State Washington

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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

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A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) Proposed rules are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) Adopted rules have been permanently adopted and are set forth in ten point type.
- (c) Emergency rules have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections
 - (i) <u>underlined matter</u> is new matter;
 - (ii) deleted matter is ((lined out and bracketed between double parentheses));
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1985
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closir	ng Dates ¹		Distribution <u>Date</u>	First Agency Action Date ³
			ΓS ² or	,	
	30 p. or more 11 t	ı	p. max. n-OTS		
For					or hearing/adoption
Inclusion in—	File no	later than—		days from—	on or after
85–01	Nov 21	Dec 5	Dec 19,	1984 Jan 2, 1985	Jan 22
85-02	Dec 5	Dec 19, 1984	Jan 2, 1	985 Jan 16	Feb 5
85–03	Dec 26, 1984	Jan 9, 1985	Jan 23	Feb 6	Feb 26
85-04	Jan 9	Jan 23	Feb 6	Feb 20	Mar 12
85–05	Jan 23	Feb 6	Feb 20	Mar 6	Mar 26
85–06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
85–07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
85-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
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85-11	Apr 24	May 8	May 22	Jun 5	Jun 25
85-12	May 8	May 22	Jun 5	Jun 19	Jul 9
85–13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
85-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
85–15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
85–16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
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85-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85–24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986

¹All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³*No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained.* RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 85-18-001 PROPOSED RULES DEPARTMENT OF TRANSPORTATION

[Filed August 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning:

Amd WAC 468-06-030 Exempted records.

Amd WAC 468-06-040 Description of central and field organization of the Washington State Depart-

ment of Transportation.

Amd WAC 468-06-070 Requests for public records;

that the agency will at 10:00 a.m., Thursday, October 10, 1985, in 1D 2, Transportation Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 42.17.250 through 42.17.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 7, 1985.

Dated: August 20, 1985 By: A. D. Andreas Deputy Secretary

STATEMENT OF PURPOSE

Title: Revision to chapter 468-06 WAC, Public access to information and records.

Description of Purpose: WAC 468-06-030 Exempted records, included three additional categories of exempt records which are in RCW 42.17.310 but not in the present WAC; 468-06-040 Description of central and field organization of the Washington State Department of Transportation, the present WAC states that the description is set forth in chapter 468-02 WAC. However, this WAC was not submitted to the code reviser for publication and therefore, not implemented. This section revised to read that this information is contained within the department organization handbook which is available to the public; and 468-06-070 Requests for public records, the present WAC states that the requests for public records must be in writing upon the form, request for public record, S.F. 276. The revision states that the request may be oral or written but with certain instances when the request must be in writing upon the form S.F. 276.

Statutory Authority: Chapter 42.17 RCW, public records.

Specific Statute Rule is Intended to Implement: Chapter 42.17 RCW, public records.

Summary of Rule: Added three categories of exempt records to comply with chapter 42.17 RCW, public records. Revised to show that the description of the central and field organization of the department is contained in the department organization handbook and available to the public. Revised so that requests for public records may now also be oral but in certain instances when the request must be in writing.

Reasons Supporting Proposed Action: Added three categories of exempt records which are included in chapter 42.17 RCW. The additions are: (1) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user and; (2) financial information supplied by or in behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070; and (3) railroad company contracts filed with the Utilities and Transportation Commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter. The present WAC states that the description of the central and field organization of the Washington State Department of Transportation is set forth in chapter 468-02 WAC. However, this WAC was never filed in the office of the code reviser. This is being revised to show that the description of the central and field organization of the department is contained in the department organization handbook. The reference to the organization handbook is beneficial to the department since the department would not have to amend the WAC if their organization were changed as a matter of policy. The present WAC states that requests for public records must be in writing. This is being revised to allow oral requests for records. This will make it easier for the public to obtain copies of public records. There are certain instances included when a written request will be required.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mr. Robert Anderson, Manager, Administrative Services Office, Management Services Division, Department of Transportation, Room 3A26, Transportation Building, Olympia, WA 98504, phone 753–7361, is responsible for the drafting and implementation of this rule. The Public Disclosure Commission and the Washington State Department of Transportation are responsible for the enforcement of this rule.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Management Services Division, Administrative Services Office, Department of Transportation, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 62, filed 5/19/81)

WAC 468-06-030 EXEMPTED RECORDS. In accordance with RCW 42.17.310, the following personal and other records shall be exempt from public inspection and copying:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

- (2) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.
- (4) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (5) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FUR-THER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (6) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
- (7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired, or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
- (8) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
- (9) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
- (10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior
- (11) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such
- (12) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user
- (13) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.
- (14) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-06-040 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE WASHINGTON STATE DE-PARTMENT OF TRANSPORTATION. The description of the central and field organization of the Washington state department of transportation, ((as provided for in Title 47 RCW is set forth in *chapter 468-02 WAC)) is contained within the department organization handbook and is available to the public.

AMENDATORY SECTION (Amending Order 62, filed 5/19/81)

WAC 468-06-070 REQUESTS FOR PUBLIC RECORDS. Subject to the provisions of subsection (3) of this section, and in accordance with the requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures.

(1) ((A request shall be made in writing upon a form which shall be available at the district offices of the department of transportation or from the Public Records Officer, Transportation Building, Olympia, Washington 98504, and shall be presented to the public records offi-

cer. Such request shall include the following:

(a) The name of the requester.

- (b) The date and time of day the request was made.
- (c) Public records or information requested:
- (d) Requester's signature:)) (a) A public record may ordinarily be disclosed upon an oral or written request. Requests will be referred to the public records officer or public disclosure coordinator. All requests shall contain the following information:

(i) The name of the requester.

- (ii) The date the request was made.
- (iii) Public records or information requested.
- (iv) Requester's signature (if written request.)
- (b) The person handling the oral request shall require the requester to complete the form, Request for Public Record, S.F. 276 in the following instances:
- (i) Whenever the record requested clearly falls within the statutory exemptions of WAC 468-06-030 or when the exempt status of the record is unclear.
- (ii) Whenever an entire file is requested or all records of a general category are requested unless the number of documents involved is less
- (iii) Records pertaining to condemnation actions or other pending litigation to which the department is a party or pertaining to any controversy to which the department is party.
- (iv) When the document requested has a notation "legal work product" or "privileged attorney-client communication" or similar notice of privileged material.
- (v) Where the oral request is too complicated or too extensive and inconvenient to the department to handle the matter on an oral basis.
- (2) The department hereby adopts for use by all persons making written request for inspection and/or copying or copies of its records, the Form S.F. 276, Request for public record, as it exists or may hereafter be revised. This form is available from the public records officer and also from the districts.
- (3) The public records officer or person handling the request shall inform the member of the public making the request whether or not the requested record is available for inspection or copying at a district office or at the transportation building in Olympia, Washington.
- (4) The records requested are not to be used to compile a commercial sales list.
- (5) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the department is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the department for appropriate response.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-06-110 DENIAL OF REQUEST. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the secretary of transportation or ((his or her)) designee to review the denial in accordance with WAC 468-06-120.

WSR 85-18-002 REVIEW OF RULES DEPARTMENT OF TRANSPORTATION

[Filed August 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.230, that the Department of Transportation intends to review the following rules:

Chapter 468-38 WAC Vehicle size and weight restricted highways—Equipment (highway division).

Chapter 468-46 WAC Transit vehicle stop zones (highway division).

Chapter 468-78 WAC Transportation buildings—Works of art (highway division).

The agency will at 10:00 a.m., Thursday, October 10, 1985, in the Transportation Building, Room 1D 2, Olympia, Washington, conduct a public hearing on the rules.

The Department of Transportation has outlined a schedule for reviewing all of its Washington Administrative Code chapters once every four years in order that all of its administrative rules meet the intent of any law establishing those rules, and to make sure those rules are current and necessary.

Dated: August 21, 1985 By: A. D. Andreas Deputy Secretary

WSR 85-18-003 ADOPTED RULES SECRETARY OF STATE

[Order 85-3-Filed August 22, 1985]

I, Ralph Munro, Office of Secretary of State, do promulgate and adopt at the Office of the Secretary of State, Legislative Building, the annexed rules relating to the accessibility standards for polling places for disabled and elderly persons.

This action is taken pursuant to Notice No. WSR 85–14–115 filed with the code reviser on July 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 29.57 RCW, as amended by chapter 205, Laws of 1985, which directs that the Secretary of State has authority to implement the provisions of section 2, chapter 205, Laws of 1985.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 20, 1985.

By Ralph Munro Secretary of State

REGULATION ON
Accessibility of Polling Places to
Voters with Disabilities and the Elderly
August 20, 1985

NEW SECTION

WAC 434-57-030 STANDARDS FOR ACCES-SIBLE POLLING PLACES. This regulation is adopted pursuant to RCW 29.57.030 (as amended by section 2, chapter 205, Laws of 1985) to implement the provisions of that chapter and the requirements of Public Law 98-435 regarding the accessibility of polling places for federal elections.

A polling place is accessible if each of the following standards is met or exceeded. If each of the following standards cannot be met, alternative accommodations may be permitted under section 5, chapter 205, Laws of 1985.

- (1) PARKING. There is at least one existing or temporary parking place, designated for use by voters with disabilities on the day of the primary or election, for each nine hundred persons registered to vote at that polling place. The designated parking place(s) is in close proximity to the accessible entrance to the building containing the polling place and is no less than twelve feet six inches wide. The area surrounding the parking place(s) for voters with disabilities is a firm, stable surface and generally level, with a maximum slope in any direction of one inch in fifty inches. A slope of one inch in thirty inches in the area surrounding the designated parking place(s) is considered accessible only if all other potential polling places within the precinct are not and cannot be made to meet this standard.
- (2) ACCESSIBLE ROUTE OF TRAVEL. A continuous, unobstructed pathway exists from the accessible parking place(s) to and through the accessible building entrance and to the polling place. The accessible route of travel is a minimum of thirty-six inches of clear width and seventy-nine inches in clear height unless otherwise specified in these standards.
- (a) WALKWAYS AND RAMPS. Walkways or ramps which occur within the accessible route of travel have a minimum clear width of forty-four inches, no abrupt edge over one-half inch in height, no grating with openings larger than one-half inch, and a maximum slope in the direction of travel less than one inch in twenty inches with a cross slope no more than one inch in fifty inches. The width of walkways and ramps may be thirty-six inches only in instances where it is impractical or unreasonable to provide forty-four inches. If the slope of the accessible route of travel is between one inch in twenty inches and one inch in twelve inches, a level five foot by five foot landing is provided for each thirty inches of rise. Ramps and curb cuts have a slope no more than one inch in twelve inches. Ramps one inch in twenty or steeper have handrails. Curb cuts have a clear width of thirty-six inches and side slopes no more than one inch
- (b) ENTRANCES. The entrance to the building containing the polling place is at least thirty-two inches of clear width with a threshold no more than one-half inch in height. There is a level, firm, stable and slip resistant surface at least fifty inches wide, at least eighteen inches of which is directly adjacent to the latch side of the door, and five feet deep on both the inside and outside of the door. If the entrance to the building containing the

polling place remains in an open position during polling hours, the requirement for the eighteen inches adjacent to the latch side of the door does not apply. If the door is power operated, it is equipped with a time delay.

- (c) INTERIOR CORRIDORS. If the entrance to the building containing the polling place does not open directly to the polling place, there is an unobstructed route of travel from the entrance of the building to the entrance of the polling place which is at least forty—four inches wide. If there is an elevator in the only accessible route of travel, it is in close proximity to the entrance to the building, it has a minimum interior depth of forty—eight inches, the doors have at least thirty—two inches clear width, and the floor has a firm, stable surface.
- (3) POLLING PLACE. There is seating and adequate, unobstructed space for reasonable movement of elderly voters and voters with disabilities within the polling place.
- (4) VOTING EQUIPMENT. In polling places in which ballots are cast on voting machines or voting devices, there is at least one machine or device which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the machine or device for a wheelchair. Voters may also be provided with paper ballots and a voting booth with a horizontal surface which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the booth for a wheelchair.
- (5) ILLUMINATION. There is sufficient illumination at all points along the accessible route of travel and within the polling place.
- (6) SIGNS. There are signs identifying the accessible parking spaces. There are signs identifying the accessible route of travel to the polling place if it is different from the primary route of travel to the polling place. Signs shall prominently display the international symbol of access as provided by RCW 70.92.120.

WSR 85-18-004 ATTORNEY GENERAL OPINION Cite as: AGO 1985 No. 14 [August 21, 1985]

COUNTIES—STATUTES—TAXATION—GEOGRAPHICAL SCOPE OF COUNTY TAXATION AUTHORITY TO PROVIDE EMERGENCY SERVICES COMMUNICATIONS SYSTEM

The provisions of RCW 82.14B.010, et seq., authorize a county, in imposing an excise tax on the use of telephone lines in order to provide an emergency services communications system, to do so within incorporated cities and towns as well as the unincorporated areas of the county.

Requested by:

Honorable Paul Klasen Grant County Prosecuting Attorney P.O. Box 37 Ephrata, Washington 98823

WSR 85-18-005 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-107—Filed August 22, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Opening in Area 7B provides opportunity to harvest non-Indian chinook allocation. Opening in Area 7C rescinded as agreed maximum harvest has been taken pursuant to provisions in summer/ fall chinook status report. Opening in Area 8 provides opportunity to harvest non-Indian allocation of Skagit pinks. Opening in Area 12B provides opportunity to harvest non-Indian allocation of chinook. Opening in Area 12C provides opportunity to harvest non-Indian chinook and coho allocations. All other Puget Sound marine and freshwater areas are closed to prevent overharvest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 22, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-47-605 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 2:00 PM August 22, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 4B, 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5–7/8-inch maximum mesh when open.

Areas 6, 6A, 7, 7A – Under control of International Pacific Salmon Fisheries Commission. Gill net gear restricted to 5–7/8—inch maximum mesh when open.

*Area 7B - Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM the night of August 22 through the morning of August 23. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307. Area 8 - Closed except gill nets using 5-inch minimum to 6-inch maximum mesh may fish from 6:00 PM the night of August 22 through the morning of August 23. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.

Area 12B - Closed except gill nets using 7inch minimum mesh may fish from 6:00 PM to 9:00 AM the night of August 22 through the morning of August 23. Fishery exclusion zones applicable to Area 12B commercial fisheries are described in WAC 220-47-307. Area 12C (excluding that portion south of a line projected from Lake Cushman powerhouse to the public boat ramp at Union) -Closed except gill nets using 5-inch minimum mesh may fish from 6:00 PM to 9:00 AM the night of August 22 through the morning of August 23, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 22 and from 5:00 AM to 4:00 PM August 23. Additional fishery exclusion zones applicable to Area 12C commercial fisheries are described in WAC 220-47-307.

*Areas 6B, 6D, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 2:00 PM August 22, 1985.

WAC 220-47-604 PUGET SOUND COMMER-CIAL FISHERY RESTRICTIONS (85-101)

WSR 85-18-006 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-108—Filed August 22, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation

of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 4B, 5, 6C provide protection for Puget Sound and Canadian stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in Areas 6B and 9 protect Nisqually and Hood Canal pink stocks. Restrictions in Area 10 protect chinook returning to Suquamish Hatchery and Nisqually pink salmon. Restrictions in Area 10C and the Cedar River protect Lake Washington sockeye and chinook. Restrictions in Areas 10D and 10G protect Lake Washington sockeye while allowing harvest of chinook. Restrictions in Areas 12 and 12B protect natural Hood Canal pink stocks while allowing harvest of Hood Canal chinook. Restrictions in Area 13A, Nooksack, Quilcene and White rivers and Minter Creek protect Puget Sound spring chinook. Restrictions in the Skagit River protect spawning salmon stocks. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Area 6D, Elwha and Dungeness rivers protect local summer/fall chinook and pink salmon stocks. Restrictions in the Sekiu, Pysht, Lyre and Hoko rivers protect local summer/fall chinook stocks. Restrictions in Area 8A and the Stillaguamish River protect local summer/fall chinook. Restrictions in Area 12C protect chinook returning to Hoodsport and Enetai hatcheries. Restrictions in Areas 11 and 13 provide protection for Nisqually pinks. Restrictions in Area 11A and the Puyallup provide protection for Puyallup pink salmon. Restrictions in the Nisqually provide protection for local pink salmon.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 22, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-28-512 PUGET SOUND COMMER-CIAL SALMON FISHERY RESTRICTIONS. Effective 2:00 PM August 22, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 6B, 9 – Effective through September 14, gill net gear restricted to 7-inch minimum mesh, and other gear must release pink salmon when open.

Area 6D, Dungeness and Elwha Rivers – Closed to all commercial fishing through September 21.

Areas 6, 6A, 7, 7A – Gill net gear restricted to 5–7/8-inch maximum mesh when open.
*Area 7C – Closed to all commercial

fishing.

Area 8A – Closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D. Area 10 – (1) Effective through September 29, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock. (2) Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

Area 10C and Cedar River – Closed to all commercial fishing until further notice.

Area 10D – (1) Effective through October 5, gill net gear restricted to 6–1/2-inch minimum mesh and all other gear must release sockeye. (2) Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.

Area 10G – Effective through September 28, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye when open.

Area 11 – Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

*Area 11A – Effective August 25 through September 7, gill net gear restricted to 7–inch minimum mesh when open.

Areas 12, 12B – Effective through August 24, commercial gill net gear restricted to 7-inch minimum and all other gear must release pink salmon when open.

Area 12C – Effective through September 7, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodsport Marina dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.

Area 13 excluding those waters of Hale Passage southerly of the Fox Island Bridge and northerly of the southernmost cable crossing – Effective through September 21, gill net gear restricted to 7-inch minimum

mesh and all other gear must release pinks when open.

Area 13A – Effective through August 31, closed to all commercial fishing in that portion within a 1000-foot radius from the outer oyster stakes off Minter Creek including Minter Bay.

Nooksack (upstream of the confluence of the forks) and Samish Rivers - Effective through October 15, closed to all commercial fishing.

Skagit River upstream of Baker River – Effective until further notice, closed to all commercial fishing.

Stillaguamish River – Effective through September 21, gill net gear restricted to 6inch maximum mesh when open.

Quilcene River - Effective through August 31, closed to all commercial fishing.

*Puyallup River – Effective August 25 through September 7, gill net gear restricted to 7–1/2-inch minimum mesh when open.

*Nisqually River – Effective August 25 through September 28, gill net gear restricted to 7-1/2-inch minimum mesh when open.

Minter Creek and White, Lyre, Pysht, Hoko, and Sekiu rivers – Effective through September 28, closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective 2:00 PM August 22, 1985.

WAC 220–28–511 PUGET SOUND COMMER-CIAL SALMON FISHERY RESTRICTIONS (85– 102)

WSR 85-18-007 EMERGENCY RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Order 85-21-Filed August 22, 1985]

- I, Richard Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules regarding vocational rehabilitation services, chapter 296-18 WAC.
- I, Richard A. Davis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the repeal of RCW 51.41.010, et seq., and WAC 296-18-010, et seq., necessitates the immediate institution of rules sufficient to enable the department to continue providing benefits to injured workers

who are in need of vocational services and new permanent WACs were not ready for adoption due to the amount of comment received by the department.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 51.32.095 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 21, 1985.

By Richard A. Davis Director

NEW SECTION

WAC 296-18-420 DEFINITIONS. (1) "Employable" means having the skills and training that are commonly and currently necessary in the labor market to be gainfully employed on a reasonably continuous basis when considering the worker's: Age, education, experience, and physical and mental capabilities due to the industrial injury or subsequent reopening.

- (2) "Gainful employment" means any occupation, not to exclude self-employment, which allows a worker to be compensated with wages or other earnings considering RCW 51.12.010.
- (3) "Formal program" means an approved rehabilitation plan and the contents thereof as described in WAC 296-18-450 that provides services necessary and likely to enable the injured worker to be employable at gainful employment.
- (4) "Vocational rehabilitation counselor" means those persons determined by the department to have met the requirements of these rules regarding experience and training which qualify them to aid the injured workers to become employable at gainful employment.
- (5) "Vocational rehabilitation provider" means any vocational rehabilitation counselor or firm that has a vendor number to bill for services the Washington department of labor and industries.
- (6) "Vocational rehabilitation firm" means any entity comprised of vocational rehabilitation counselors that has a vendor number whether sole proprietorship, partnership, or corporation.
- (7) "Vocational rehabilitation services" means services that are designed to enable the injured worker to become employable at gainful employment. The services may include, but not be limited to vocational evaluation, vocational counseling, job analysis, job modification, on-the-job training, or short-term training programs with job placement services provided.
- (8) "Referral source" means either the state fund or self-insurer.

NEW SECTION

WAC 296-18-440 REPORTS. The following reports are required from the vocational rehabilitation provider for state fund referrals.

- (1) Contact report. Contact with the injured worker shall be reported to the department within twenty-one calendar days of the date the referral was sent to the provider. Notification of contact shall be on a department provided form.
- (2) Progress reports. A progress report will be made upon request from the referral source on a department approved format. The referral source is to be notified immediately of factors affecting plan completion or changes of status or changes in plan costs.
- (3) Closing report. Upon completion of the formal program, a closing report to the referral source shall be submitted by the vocational rehabilitation provider. That report shall contain at least the following:
- (a) Assessment of the injured worker's employability status at the time of completion of vocational services.
- (b) Whether or not the injured worker has returned to work:
- (c) Any remaining barriers to the injured worker becoming employable at gainful employment.

NEW SECTION

WAC 296-18-445 SELF-INSURED REPORTS. The following reports are required from the self-insurer to be sent to the self-insurance section.

- (1) Self-insured rehabilitation referral. A form submitted no later than after paying ninety days of time loss after the initial filing or reopening of a claim. If more time is necessary, an extension may be requested on this form. The format for this form will be supplied by the department.
- (2) Employability assessment report. If a vocational referral is not being made and an extension of time is not necessary, this form must be completed and submitted to the self-insured section no later than after paying ninety days of time loss after the initial filing or reopening of a claim. The format for this form will be supplied by the department.
- (3) A vocational rehabilitation plan shall be submitted by the self-insurer after being signed by the injured worker, vocational rehabilitation provider and the employer.
- (4) Rehabilitation outcome report. This form is to be submitted when all vocational rehabilitation services have been completed. The format for this form will be supplied by the department.

NEW SECTION

WAC 296-18-450 VOCATIONAL REHABILITATION PLAN. (1) A vocational rehabilitation plan shall be approved by the referral source prior to its implementation. The plan shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

- (a) Assessment of the skills and abilities, including the physical and mental capabilities of the injured worker,
- (b) The services necessary to enable the injured worker to become employable at gainful employment;
- (c) Labor market information indicating the employability of the injured worker at plan completion;

- (d) An estimate of the cost and the time necessary for the completion of the plan;
- (e) A direct comparison of the injured worker's skills with potential types of employment to demonstrate a likelihood of success;
- (f) If necessary, a job analysis of the injured worker's previous occupation, including earnings, may be included; and
- (g) Any other information that will significantly affect the plan.
- (2) The following priorities shall be addressed and justification given to why each preceding priority was not used.
- (a) Return to the previous job with the same employer.
- (b) Modification of the previous job with the same employer including transitional return to work;
- (c) A new job with the same employer in keeping with any limitations or restrictions,
- (d) Modification of the previous job with a new employer,
- (e) A new job with a new employer or self-employment based upon transferable skills;
- (f) A new job with a new employer or self-employment involving on-the-job training, and
 - (g) Short-term retraining and job placement.
- (3) Each plan shall be signed by the vocational rehabilitation counselor and the injured worker. In state fund cases, a copy will be sent to the employer, attending physician, department, injured worker and any parties with responsibilities within the plan by the vocational rehabilitation counselor. The following statement shall be printed above the signatures:

I have read the above plan and understand its contents. By signing this plan I agree to faithfully execute my responsibilities described in it.

(4) If the plan is interrupted for good cause this case will be returned to the referral source at the discretion of the referral source. At the end of such interruption, the referral source may return the referral to the original vocational provider to resume the plan or its preparation.

NEW SECTION

WAC 296-18-460 PERFORMANCE CRITERIA. (1) Vocational rehabilitation providers offering services under RCW 51.32.095 for state fund referrals shall be selected by the department, at the department's sole discretion, based upon providers' performance according to the following criteria.

- (2) There shall be objective evaluation by the departments office of rehabilitation services, which shall address:
- (a) Cost to medical aid fund including fees paid to vocational providers or other providers at the request of the vocational rehabilitation counselor,
- (b) Cost to accident fund including time loss compensation, paid after vocational rehabilitation services begin less interruptions for medical instability, loss of earning power payments, and "training" costs pursuant to RCW 51.32.095(3);

- (c) Cost to second injury fund due to approved job site modifications;
- (d) Length of services provided, from time of referral to date of issuance of closing report;
 - (e) Ratio of referrals to completed plans;
- (f) The outcome of the claim at the time of closure of vocational rehabilitation services which identifies the injured worker as (i) employable, (ii) returned to work, or (iii) other
- (3) The office of rehabilitation services shall also weigh the various objective criteria listed above by addressing the following subjective criteria:
- (a) The case difficulty utilizing a screening tool developed by the office of rehabilitation services;
- (b) The ability of the vocational rehabilitation counselor to comply with the rules contained in chapter 296–18 WAC and the law as contained in RCW 51.32.095;
- (c) The adequacy of the vocational rehabilitation providers facilities shall also be considered.
- (4) Audits. In order to ensure compliance with the above listed criteria, every vocational rehabilitation provider used by the department shall be subject to an audit of their facilities and files. Audits may be conducted upon petition or upon the department's own initiative. Audits may be for cause or at random and may consist of, but not be limited to, an on-site evaluation of each provider's facilities, files and records, including the accuracy of the records and the accuracy of billing for services. The vocational rehabilitation provider shall receive written notice at least forty-eight hours in advance of such audit.

The audit of vocational rehabilitation providers at locations outside the state of Washington shall be at the expense of the provider and the expense incurred in making such audit shall be paid by the provider.

Such expenses shall be calculated at the usual and normal per diem and travel expense rates established by law and in effect at the time the expenses are incurred.

NEW SECTION

WAC 296-18-470 DISPUTES. (1) In order to avoid delay in the vocational rehabilitation process and to allow resolution of disputes between the injured workers, employers and the referral source, a dispute resolution process is provided. The time limits in this section may be extended by the office of rehabilitation services when good cause is shown.

- (2) The director must receive a dispute of the employability determination or formal plan, in writing, within fifteen calendar days from receipt of notification to the worker or employer. The dispute must include reasons for the request. The director, at his or her sole discretion, may initiate an investigation to determine further action on the request. A copy of all disputes received shall be sent to all interested parties.
- (3) If necessary, and at the discretion of the director, the office of rehabilitation services will communicate with the aggrieved parties to attempt to resolve the dispute. If the dispute is not resolved, the director in his or her sole discretion may take such other action that he or she considers appropriate to protect the rights of the parties. The director shall inform the aggrieved parties

of what action, if any was taken within thirty calendar days of receipt of the dispute from the aggrieved party.

NEW SECTION

- WAC 296-18-480 RESPONSIBILITIES. All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:
- (1) The attending physician shall maintain open communication with the injured worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including a definitive appraisal of physical capacities. The attending physician may review the vocational plan, and if the attending physician feels that the injured worker is not physically capable of carrying out the plan or the plan is unnecessary, based on current physical capacities, shall notify the referral source immediately of this opinion with the reasons for such opinion.
 - (2) The claims unit within the department shall:
- (a) Notify the employer of the referral to a vocational rehabilitation provider,
- (b) Send the employer a copy of the closing report; and
- (c) Give written notice to an injured worker if a complaint of noncooperation has been made.
- (3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Further, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.
- (4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32-.110 shall be applied.
- (5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095. Vocational rehabilitation providers actually assisting the injured worker shall have the burden of showing that they meet the qualifications to be a vocational rehabilitation counselor as set out in these rules. The vocational rehabilitation provider shall comply with all the rules in chapter 296–18 WAC and Title 51 RCW, whether the injured worker is referred by the department or a self-insurer under the following criteria:
- (a) Develop a formal program to assist the eligible injured worker to become employable at gainful employment;
- (b) Maintain accurate records that will be periodically reviewed by the office of rehabilitation services;
- (c) Notify the referral source of noncooperative behavior on the part of the injured worker, and
- (d) Keep all parties informed of the progress and development of the formal program.

NEW SECTION

WAC 296-18-490 BILLING FOR VOCATION-AL SERVICES. (1) Vocational rehabilitation providers must comply with the rules contained in chapter 296-20 WAC as they pertain.

- (2) Vocational rehabilitation providers must carry general liability insurance, automobile liability insurance, and errors and omission/malpractice insurance.
- (3) All vocational services must be prior authorized by the referral source, except immediate job placement.
- (4) Charges for the following are considered overhead and will not be paid:
 - (a) Typing of reports and copies of reports;
- (b) Long distance phone call charges and unanswered phone calls,
 - (c) In-house staffing time,
 - (d) Postage.
- (5) All bills must be itemized on referral source approved bill forms. The billed charges must be justified and consistent with written reports. Any exception to these rules must be thoroughly documented. If charges are not documented, or justified, or consistent, payment will be reduced or denied.
- (6) Vocational services must be billed using the following procedure codes. Time units of service are to be stated in tenth of hour blocks or six minutes per time unit. Mileage units of service are to be stated in total miles for the round trip to the nearest mile. Unless otherwise specifically noted, reimbursement rates are achieved by multiplying the total units of service by the relative value unit for the procedure code and then multiplying the total by the current conversion factor for medicine (WAC 296-20-135).

	0 (1110 200 20 155).	
<u>CODE</u>	<u>DESCRIPTION</u>	RELATIVE VALUE <u>UNITS</u>
VO205 VO210	Job modification consultant. Consult with doctor, attorney, employer, persons other than	4. 1 4. 1
VO212 VO222	the claimant. Review case claim file. Vocational exploration (services provided in conjunction with the	4.1 4.1
VO223	injured worker). Vocational counseling (i.e., plan development,	4.1
VO225	placement, etc.). Job analysis (on-site survey of a specific job).	4.1
VO226	a specific joby. Identify and analyze past work skills for transferability.	4.1
VO227	Labor market survey (determination of jobs available in geographic location).	4.1
VO228	Work evaluation – individual.	4.1
VO229	Work evaluation – group, up to a group of five persons.	1.8
VO231	Vocational test administration and scoring.	4.1
VO233	Interpretation of vocational testing and work evaluation.	4.1
VO238	Job placement/job development services to individual injured workers.	4.1
VO239	Job seeking skills instruction— groups (motivation and personal skills training to a group of injured workers) (2–10 workers, Maximum 40 billing hours per worker).	1.8
VO242	Monitor, approved rehabilitation plan.	4.1
VO245	Coordinations of services with	4.1

	DESCRIPTION	RELATIVE VALUE UNITS
CODE	DESCRIPTION	ONTE
	(specify) job station, work evaluation, vocational testing, ancillary service.	
VO251	Report Preparation: Initial Contact Report.	Flat Fee \$5
VO252	Progress Report.	Flat Fee \$25
VO253	Report Preparation for reports other than VO251, 252, 258 and 259.	4.1
VO258	Employability Statement form with Initial Evaluation completed.	4.1 up to max. of \$150
VO259	Employability Statement form without Initial Evaluation completed.	4.1 up to max. of \$450
VO260	Travel/wait time (waiting time is limited to one hour). If more than one client is being served in the area, travel time must be split among all clients.	1.8
VO261	Bridge and ferry tolls.	Reimbursement
VO262	Mileage per mile. If more than one client is being served in the area, mileage must be split among clients.	18¢ per mile
VO263	Provide and monitor a " job station" (a work activity program designed to evaluate or increase an individuals vocational abilities).	4.1
VO264	Work behavior modification.	4.1
VO274	Conducting a job club – maximum 40 billable hours. (A structured search for work programs for groups of injured workers.)	1.8
VO280	Placement by evaluation (placement agencies only) maximum of two hours assessment of placement potential, includes report to department or VRC.	2.9
VO282	Placement made (employment agencies) \$300
	flat fee paid on placement.	Fixed Fee
RETRAIN	NING SERVICE (Fees vary by specific plans)
RO310	Tuition and training fee	
RO312	Training supplies	
RO315	Training equipment	
RO320	Examination and license fees	
RO330	Transportation/mileage	
RO332	Parking	Reimbursement
RO334	Bridge and Ferry Tolls	Reimbursement
RO336	Commercial Fares	Reimbursement
RO340	Books	
RO350	Other	
RO360	Board	
RO370	Room	
RO380	Job modification	

The department or self-insurer will authorize child care as part of a department or self-insurer approved formal program. Payment for child care services will be made to licensed day care providers or family members other than the injured worker or his/her spouse.

RO390	Child care/licensed day center.
	Hourly rate per child six hours
	or less
RO392	Child care/licensed day center.
	Daily rate per child seven to nine
	hours
RO395	Child care/nonlicensed provider.
	Hourly rate per child six hours
	or less
RO397	Child care/nonlicensed provider.
NO35,	Daily rate per child seven to
	nine hours

NEW SECTION

WAC 296-18-500 SELF-INSURERS. (1) No later than paying ninety days of time loss following the initial filing or reopening of a claim, the self-insurer shall notify the self-insurance section as to whether or not vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. Each of these cases will be

reviewed by the self-insurance section. The criteria to determine employability will be the same as for the state fund. If the injured worker is determined employable, the self-insurer will submit an employability assessment form which contains objective reasons why the injured worker is employable. Within twenty calendar days of receipt of an employability assessment form, the supervisor's designee within the self-insurance section will inform the self-insurer and the injured worker as to whether or not self-insurers determination of employability is approved. If an employability determination cannot be made due to medical instability, the self-insured shall request an extension by notifying the selfinsurance section of the injured worker's condition and when a determination can be made. If the request for extension is not approved, notice will be sent within fifteen calendar days of receipt.

(2) The supervisor's designee within the self-insurance section of the department will receive from the self-insurer the vocational rehabilitation plan signed by the injured worker and employer. A review of the vocational rehabilitation plan by the supervisor's designee will be initiated upon request by the employer or the injured worker. The supervisor's designee shall notify the parties within fifteen calendar days of receipt of the results of the review.

At the completion of each case, the self-insurer shall provide the self-insurance section and the office of rehabilitation services a rehabilitation outcome report on a form prescribed by the department.

NEW SECTION

WAC 296-18-510 VOCATIONAL REHABILI-TATION COUNSELOR QUALIFICATIONS. (1) All vocational rehabilitation counselors who were registered by the department prior to May 16, 1985, will remain on the list and be eligible to receive referrals. The department is not obligated to make referrals to anyone on this list.

- (2) When it is determined an injured worker is eligible for vocational rehabilitation services, the referral source shall authorize such services. Selection of the appropriate provider of vocational services is at the sole discretion of the referral source. Selected vocational rehabilitation counselors must meet one or more of the following categories of experience and education:
- (a) A doctorate or masters degree in rehabilitation counseling, psychology, counseling and guidance, social work, or educational psychology, and a minimum of one year of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers;
- (b) A masters degree with twenty-four credit hours in a combination of rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subjects listed in this subsection, or coursework relating to counseling and subjects listed in this subsection; and a

minimum of two years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers;

- (c) A bachelors degree in rehabilitation counseling, psychology, counseling and guidance, social work, or educational psychology, and a minimum of two years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers, or
- (d) A bachelors degree with twenty-four credit hours in a combination of rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subjects listed in this subsection, or coursework relating to counseling and subjects listed in this subsection; and a minimum of three years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services; with industrially injured workers,
- (e) Has been a registered vocational counselor in Washington state.
- (3) An intern is an individual who meets the minimum educational requirements as set forth in subsection (2)(a) through (e) of this section, but not the experience requirements. When the intern is employed, the vocational rehabilitation provider shall provide the name of the intern's supervisor. The intern supervisor will be responsible for all rehabilitation work done by the intern. The intern supervisor will co-sign all reports submitted by the intern. The intern must be designated as such on all reports. At the end of the time requirement the intern may apply for a vendor number as a vocational rehabilitation provider.
- (4) In order to receive or maintain a provider account number, the provider shall submit certified copies of each counselor's college transcript showing the degree last obtained. A statement of each counselor's past experience in counseling of industrially injured workers must also be submitted. The statement must include the names of former and current vocational counselors and firms the individual was employed by.
- (5) It is the responsibility of the vocational counselor to be familiar with the industrial insurance rules and laws of the state of Washington. The vocational counselor must act in a professional manner and comply with the code of professional ethics for vocational rehabilitation counselors.

NEW SECTION

WAC 296-18-520 JOB MODIFICATION AS-SISTANCE. (1) As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor in his or her discretion may pay job modification costs in an amount not to exceed five thousand dollars from the department per worker per job modification. This payment is intended to be a cooperative participation with

- the employer and funds shall be taken from the appropriate account within the second injury fund. The employer may add to this amount with their own contribution.
- (2) An employer requesting job modification assistance must submit to the department a job modification assistance application.
- (3) The job modification assistance application shall include, but not be limited to:
- (a) A document supporting the need for job modification;
 - (b) A description of the job modification; and
- (c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department.
- (4) The supervisor shall accept, reject, or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-18-010 GENERAL INFORMATION. WAC 296-18-020 VOCATIONAL REHABILI-TATION ADVISORY COMMITTEE.

WAC 296-18-040 DEFINITIONS.

WAC 296-18-070 APPLICATION OF CERTAIN TIMETABLES.

WAC 296-18-080 REFERRAL AND INITIAL CONTACT.

WAC 296-18-090 INITIAL EVALUATIONS. WAC 296-18-100 REHABILITATION PLANS. WAC 296-18-110 MODIFICATION TO THE REHABILITATION PLAN.

WAC 296-18-120 PLAN COMPLETION. WAC 296-18-130 APPLICATION OF CERTAIN TIMETABLES (SELF-INSURED CLAIMS).

WAC 296-18-140 RETURN TO WORK SUM-MARY REPORT (SELF-INSURED CLAIMS).

WAC 296-18-160 PROGRESS REPORTS (SELF-INSURED CLAIMS).

WAC 296-18-170 RETURN TO WORK (SELF-INSURED CLAIMS).

WAC 296-18-180 VOCATIONAL REHABILITATION PLAN.

WAC 296-18-190 RESPONSIBILITY OF THE INJURED WORKER.

WAC 296-18-200 FAILURE TO MEET RESPONSIBILITIES.

WAC 296–18–210 RESOLUTION OF VOCA-TIONAL REHABILITATION DISPUTES.

WAC 296-18-300 REGISTRATION OF VOCA-TIONAL REHABILITATION COUNSELORS.

WAC 296-18-310 QUALIFICATIONS FOR REGISTRATION OF VOCATIONAL REHABILITATION COUNSELORS.

WAC 296–18–320 QUALIFICATIONS FOR THE REGISTRATION OF VOCATIONAL REHA-BILITATION FIRMS. WAC 296-18-330 AVAILABILITY OF THE REGISTER.

WAC 296–18–340 IMMEDIATE DEREGISTRATION.

WAC 296-18-350 PERFORMANCE EVALUA-TIONS AND DEREGISTRATION.

WAC 296-18-360 PETITION FOR RECONSIDERATION OF THE INTENT TO REMOVE.

WAC 296-18-370 PERIOD OF DEREGISTRATION.

WAC 296-18-400 JOB MODIFICATION ASSISTANCE.

WSR 85-18-008 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-105—Filed August 22, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted in conformance with the Pacific Fisheries Management Council recommendations as modified to prevent overharvest of chinook and coho salmon allocations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 22, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-56-19000U SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 23, 1985, until further notice it is unlawful to fish for or possess salmon taken for personal use from waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Washington waters at the mouth of the Columbia River west of a line projected north-south through Buoy 10, and Strait of Juan de Fuca waters westerly of a line projected true north from the mouth of the Sekiu River except as provided for in this section:

- (1) Those waters westerly of the mouth of the Sekiu River and northerly of a line projected true west from the mouth of the Queets River: Open to salmon fishing until 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. Friday through 11:59 p.m. Saturday each week during the open period and except closed to salmon fishing within an area bounded by a line projected from the shoreline one mile due north from the mouth of the Sekiu River, thence westerly meandering one mile off shore to a point one mile due west of Cape Flattery. thence southerly in a straight line to the Umatilla Reef Light, thence due east to shore. Special bag limit of two salmon daily, except it is unlawful to retain or possess chinook salmon and all chinook salmon must be returned to the water immediately. Minimum size 16 inches for coho salmon.
- (2) Those waters southerly of a line projected true west from the mouth of the Queets River, northerly of a line projected true west from Leadbetter Point and westerly of the territorial sea boundary referenced on Chart 18500, 21st ed., Dept. Commerce, NOAA, National Ocean Survey (outside three miles): Open to salmon fishing until 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. Friday to 11:59 p.m. Saturday each week during the open period. Bag limit F.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 23, 1985

WAC 220-56-19000T SALTWATER SEASONS AND BAG LIMITS—SALMON (85-100)

WSR 85-18-009 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-106-Filed August 22, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available above the Megler-Astoria Bridge.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 22, 1985.

By Russell W. Cahill
for William R. Wilkerson

Director

NEW SECTION

WAC 220-57-16000S COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160: (1) Effective immediately until further notice, in those waters of the Columbia River downstream from Wells Dam to the I-5 Bridge – bag limit C, except that the daily bag limit may include two sockeye salmon.

(2) Effective August 16, 1985 until further notice, in those waters of the Columbia River downstream from the Highway 12 Bridge at Pasco to the Megler-Astoria Bridge: Bag limit A.

(3) Effective 12:01 a.m. August 23, 1985 until 11:59 p.m. September 30, 1985 in those waters of the Columbia River downstream from the Megler-Astoria Bridge to a line running true north-south through Buoy 10 it is unlawful to fish for or possess salmon taken for personal use.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220–57–16000R COLUMBIA RIVER. (85–97)

WSR 85-18-010 ADOPTED RULES EDMONDS COMMUNITY COLLEGE

[Resolution No. 85-8-2—Filed August 23, 1985]

Be it resolved by the board of trustees of Edmonds Community College, acting at Lynnwood Hall, Room 424, Edmonds Community College, Lynnwood, Washington 98036, that it does adopt the annexed rules relating to traffic rules at Edmonds Community College, chapter 132Y-100 WAC.

This action is taken pursuant to Notice No. WSR 85–14–111 filed with the code reviser on July 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140(10) and chapter 28B.19 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 20, 1985.

By Jennis J. Bapst
V.P. for Planning and Development

Chapter 132Y-100 WAC TRAFFIC RULES

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

WAC 132Y-100-008 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. Except as provided in WAC 132Y-100-010 and WAC 132Y-100-052 of these rules, no person shall leave any vehicle unattended, upon the campus of the College without a permit issued by the Security Office of the College, unless such person is in the process of loading, unloading, or is a registered visitor.

Visitors must register their name and vehicle license number at the college information office.

NEW SECTION

WAC 132Y-100-010 VOLUNTARY STUDENT FEE ASSESSMENT. During such time as the students of Edmonds Community College assess themselves a voluntary student fee pursuant to RCW 28B.15.610 which is primarily used to improve or maintain the parking facilities on the college site, the following sections of this WAC 132Y-100 will not be in effect:

- -008 PERMITS REQUIRED FOR VEHICLES ON CAMPUS
- -012 VALID PERMIT
- -016 TRANSFER OF PERMITS
- -020 PERMIT REVOCATION
- -024 RIGHT TO REFUSE PERMIT
- -028 ISSUANCE OF PERMITS
- -032 display of permits
- -036 PARKING PERMIT FEES
- -040 REFUND OF FEES
- -044 ADDITIONAL VEHICLES
- –048 failure to register
- -052 PARKING PERMIT EXCEPTIONS

WSR 85-18-011 ADOPTED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-233, Cause No. U-85-35-Filed August 23, 1985]

In the matter of amending WAC 480-120-061, 480-120-081 and 480-120-106 relating to telephone information service providers.

This action is taken pursuant to Notice No. WSR 85-14-055 filed with the code reviser on June 28, 1985, and Notice No. WSR 85-16-117 filed August 7, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement Title 80 RCW, including chapter 80.36 RCW relating to the rates, services, and practices of telecommunications companies.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice Nos. WSR 85-14-055 and 85-16-117 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, August 7, 1985, and continued to August 14, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to August 2, 1985, and continued to August 9, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, August 7, 1985, or August 14, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the August 7, 1985, meeting the commission considered the rule change proposal. Written comments were received from:

Public Utility Commissioner of Oregon
Phone Programs, Inc.
June Click
United Telephone Company of the Northwest
Tel-Time
Dial Info
Federal Communications Commission
Public Counsel
General Telephone Company of the Northwest, Inc.
Pacific Northwest Bell Telephone Company
Pacific Information Network, Inc.

At the August 14, 1985, meeting Mike Moran of Pacific Northwest Bell Telephone Company; Leonid Krashanoff of Dial Info; W. L. Evans of Tel-Time; Ted Sharpe for the state of Washington, Department of Transportation; and Phil Crossler of General Telephone Company of the Northwest, Inc. presented oral comments on the proposed rules.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480–120–061, 480–120–081 and 480–120–106 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480–120–061, 480–120–081 and 480–120–106 as amended will ameliorate confusion of telephone customers on calls to information providers called at (1–976) prefixes by prohibiting discontinuance or refusal of service for failure to pay charges billed by telephone companies on behalf of information providers; and requiring the production of information regarding information providers at the request of the customers.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480–120–061, 480–120–081 and 480–120–106 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1–12 WAC.

DATED at Olympia, Washington, this 22nd day of August, 1985.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-147, Cause No. U-80-05, filed 7/14/80)

WAC 480-120-061 REFUSAL OF SERVICE. (1) The utility may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

- (2) A utility may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.
- (3) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.
- (4) A utility may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same utility for the same class of service at the same or different location until the obligation is paid or satisfactory arrangements are made: PROVIDED, That an overdue or unpaid obligation to an information provider shall not be grounds for denial of service. An applicant or subscriber shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance of service under the provisions of WAC 480-120-081 (2)(a). A utility may offer a payment agreement at any time if deemed to be appropriate by the utility.
- (5) A utility may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an overdue, unpaid prior obligation to the same utility for the same class of service at that address until the obligation is paid or satisfactory arrangements are made.
- (6) A utility may deny installation or continuation of service to any applicant or subscriber who is shown to

have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices.

AMENDATORY SECTION (Amending Order R-147, Cause No. U-80-05, filed 7/14/80)

WAC 480-120-081 DISCONTINUANCE OF SERVICE. (1) By subscriber – a subscriber shall be required to give notice to the utility of his intention to discontinue service.

- (2) By utility service may be discontinued by the utility for any of the following reasons:
- (a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.
 - (b) For tampering with the utility's property.
 - (c) In case of vacation of the premises by subscriber.
- (d) For nonpayment of any proper charges including deposit, as provided in the tariff of the utility. Nonpayment of charges billed by the utility on behalf of information providers shall not be grounds for discontinuance of service in whole or in part.
- (e) For violation of rules, service agreements, or filed tariff(s).
- (f) For use of subscriber equipment which adversely affects the utility's service to its other subscribers.
- (g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: PROVIDED, HOWEVER, That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.
- (h) For unlawful use of service or use of service for unlawful purposes.
- (3) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff of the company.
- (4) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of

law, no utility shall discontinue service unless the following conditions are met:

- (a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the utility shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when (i) the company has had cause in any two previous billing periods during a consecutive twelve month period to attempt such contact; and (ii) the company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.
- (b) Each utility shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the utility to resolve any differences.

- (c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.
- (d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected

due to such payment the utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

- (e) Where the utility has reasonable grounds to believe service is to other than the subscriber of record, the utility shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.
- (f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.
- (g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.
- (h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the utility may, upon authorization from the commission, disconnect service. A subscriber whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.
- (5) Payment of any delinquent amount to a designated payment agency of the utility shall constitute payment to the utility, if the subscriber informs the utility of such payment and the utility verifies such payment.
- (6) Service shall be restored when the causes of discontinuance have been removed and when payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and the subscriber or applicant over the propriety of disconnection.
- (7) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

When service is discontinued for nonpayment of a bill it may be either completely or partially disconnected. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

AMENDATORY SECTION (Amending Order R-234, Cause No. U-85-21, filed 8/7/85)

WAC 480-120-106 FORM OF BILLS. Bills to subscribers shall be rendered regularly and clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number, if any, of such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

WSR 85-18-012 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to telephone information service providers, WAC 480-120-066. The proposed amendatory section is shown below as Appendix A, Cause No. U-85-35. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

Alternate 1 is notice of intention to adopt on a permanent basis rule amended on an emergency basis on August 22, 1985, General Order No. R-235, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, October 9, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 4, 1985.

Dated: August 22, 1985
By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-120-066 relating to telephone information service providers.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 which directs that the commission has authority to implement the provisions of chapter 80.36 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to ameliorate confusion of telephone customers on calls to information providers called at (1-976) prefixes by requiring consumer cost identification under certain circumstances.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A" ALTERNATE I

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-066 CONTRACT FOR SERVICE. Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.

Any contract with an information provider shall require that the information provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer.

ALTERNATE 2

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-066 CONTRACT FOR SERVICE. Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.

Any contract with an information provider shall require that the provider, in any institutional advertising or promotion, state prominently the cost to the customer.

WSR 85-18-013 EMERGENCY RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-235, Cause No. U-85-35-Filed August 23, 1985]

In the matter of amending WAC 480-120-066 relating to telephone information service providers.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is the need to provide prompt notification to telephone subscribers that calls to information providers (1–976 prefixes) carry a charge for the message.

This rule amendment is being promulgated pursuant to RCW 80.01.040.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment to WAC 480-120-066 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-120-066 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-120-066 as amended, will require that contracts between telephone companies and information providers include a provision whereby promotions and institutional advertising undertaken by information providers specify the charges for the call.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-120-066 as set forth in Appendix A, be amended, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 22nd day of August, 1985.

Washington Utilities and Transportation Commission Sharon L. Nelson, Chairman Robert W. Bratton, Commissioner Richard D. Casad, Commissioner APPENDIX "A"

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-066 CONTRACT FOR SERVICE. Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.

Any contract with an information provider shall require that the information provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer.

WSR 85-18-014 **EMERGENCY RULES** DEPARTMENT OF FISHERIES

[Order 85-109-Filed August 23, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Opening in Area 7B provides opportunity to harvest non-Indian chinook allocation. Area 8 provides opportunity to harvest non-Indian allocation of Skagit pinks. Opening Area 8A provides opto harvest non-Indian allocation of Stillaguamish/Snohomish origin pink salmon. Opening in Area 12B provides opportunity to harvest non-Indian allocation of chinook. Opening in Area 12C provides opportunity to harvest non-Indian chinook and coho allocations. All other Puget Sound marine and freshwater areas are closed to prevent overharvest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 23, 1985. By Russell W. Cahill for William R. Wilkerson

Director

NEW SECTION

WAC 220-47-606 PUGET SOUND ALL-CITI-ZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective August 25, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

> Areas 4B, 5 and 6C - Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

> Areas 6, 6A, 7, 7A - Under control of International Pacific Salmon Fisheries Commission. Gill net gear restricted to 5-7/8inch maximum mesh when open.

> *Area 7B - Closed except gill nets using 7inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of August 26 through the morning of August 28. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

> *Area 8 - Closed except gill nets using 5inch minimum to 6-inch maximum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of August 25 through the morning of August 28. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.

> *Area 8A - Closed except gill nets using 5inch minimum to 6-inch maximum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of August 26 through the morning of August 28, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, August 27 and 28. Fishery exclusion zones applicable to Area 8A commercial fisheries are described in WAC 220-47-

> *Area 12B - Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of August 25 through the morning of August 30. Fishery exclusion zones applicable to Area

12B commercial fisheries are described in WAC 220-47-307.

*Area 12C - Closed except gill nets using 5-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of August 25 through the morning of August 30, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, August 26 through August 29 and from 5:00 AM to 4:00 PM August 30. That portion south of a line projected from Lake Cushman powerhouse to the public boat ramp at Union is closed to all commercial fishing. Additional fishery exclusion zones applicable to Area 12C commercial fisheries are described in WAC 220-47-307.

*Areas 6B, 6D, 7C, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 25, 1985.

WAC 220-47-605 PUGET SOUND COMMER-CIAL FISHERY RESTRICTIONS (85-107).

WSR 85-18-015 EMERGENCY RULES **DEPARTMENT OF FISHERIES**

[Order 85-110—Filed August 23, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use
- I. William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of coho salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 23, 1985.

By Gary C. Alexander for William R. Wilkerson

Director

NEW SECTION

WAC 220-57-13000H BOGACHIEL RIVER. Notwithstanding the provisions of WAC 220-57-130, effective September 1, 1985 until further notice, downstream from the Highway 101 Bridge, special bag limit: six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length and not more than two of which may be coho salmon over 20 inches in length.

NEW SECTION

WAC 220-57-13500G CALAWAH RIVER. Notwithstanding the provisions of WAC 220-57-135, effective September 1, 1985 until further notice, downstream from the Highway 101 Bridge, special bag limit: six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length, and not more than two of which may be coho salmon over 20 inches in length.

NEW SECTION

WAC 220-57-15500E CLEARWATER RIVER. Notwithstanding the provisions of WAC 220-57-155, effective September 1, 1985 until further notice, downstream from the mouth of the Snahapish River to the Quinault Indian Reservation, special bag limit: six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length, and not more than two of which may be coho salmon over 20 inches in length.

NEW SECTION

WAC 220-57-20000B DICKEY RIVER. Notwithstanding the provisions of WAC 220-57-200, effective October 1, 1985 until further notice, downstream from the mouth of the east fork of the Dickey River: Bag Limit A.

NEW SECTION

WAC 220-57-27000N HOH RIVER. Notwithstanding the provisions of WAC 220-57-270, effective September 1, 1985 until further notice, downstream from the mouth of Willoughby Creek: Bag Limit A.

NEW SECTION

WAC 220-57-38500H QUILLAYUTE RIVER. Notwithstanding the provisions of WAC 220-57-285, effective September 1, 1985 until further notice, downstream from the confluence of the Soleduck and Bogachiel Rivers, special bag limit: six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length, and not more than two of which may be coho salmon over 20 inches in length.

NEW SECTION

WAC 220-57-46000N SOLEDUCK RIVER. Notwithstanding the provisions of WAC 220-57-460, effective October 1, 1985 until further notice, downstream from the concrete pump station special bag limit: six salmon not less than 10 inches in length, not more than four of which may be chinook salmon more than 24 inches in length, or pink, sockeye or chum salmon, and not more than two of which be coho salmon greater than 20 inches in length.

WSR 85-18-016 NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY

[Memorandum—August 23, 1985]

The regular meeting of the board of trustees of Western Washington University which was scheduled for September 5, 1985, has been canceled.

The next meeting of the board will be on the regularly scheduled date of October 3, 1985.

WSR 85-18-017 PROPOSED RULES WENATCHEE VALLEY COLLEGE

[Filed August 26, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Wenatchee Valley College intends to adopt, amend, or repeal rules concerning tenure and dismissal, chapter 132W-129 WAC;

that the institution will at 1:30 p.m., Wednesday, October 9, 1985, in the Board Room, Room 230, Anderson Hall, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.19.050, 28B.50.852 and 28B.50.140.

The specific statute these rules are intended to implement is RCW 28B.50.852.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before October 3, 1985.

Dated: August 22, 1985 By: Anna Pieratt Confidential Secretary to President

STATEMENT OF PURPOSE

Title and Number: WAC 132W-129-001 Tenure and dismissal.

Description of the Purpose of the Rules: WAC 132W-129-001 is proposed in order to implement the statutes on faculty tenure, RCW 28B.50.850 through 28B.50.869.

Statutory Authority: RCW 28B.19.050, 28B.50.852 and 28B.50.140.

Summary of Rule: WAC 132W-129-001 acknowledges that in all matters of faculty tenure, Wenatchee Valley College will be governed by the laws of the state and the terms of the negotiated faculty agreement.

Reasons Supporting Proposed Action: Each community college district is required by statute to promulgate

rules and regulations implementing the statutes on faculty tenure.

Agency Personnel Responsible for Drafting: Anna Pieratt, Confidential Secretary to the President; Implementation: James Flint, Executive Dean of Instruction; and Enforcement: James R. Davis, President, all located at the Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801, (509) 662–1651.

Organization Proposing Rule - Public: Wenatchee Valley College.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: These rules are not necessary as a result of federal law or federal or state court action.

> Chapter 132W-129 WAC TENURE AND DISMISSAL

WAC 132W-129-001 General statement of policy.

NEW SECTION

WAC 132W-129-001 GENERAL STATEMENT OF POLICY. It is the policy of the board of trustees of Washington community college district no. 15 that all matters relating to tenure and dismissals of academic employees shall be governed by the laws of the state of Washington and the terms of the negotiated agreement between the board and the duly elected academic employee bargaining agent as contained in that agreement.

WSR 85-18-018 PROPOSED RULES BOARD OF HEALTH

[Filed August 26, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning scoliosis screening in public schools, amending chapter 248-150 WAC;

that the agency will at 9:30 a.m., Wednesday, November 13, 1985, in the Spokane County Health District, Auditorium 140, Spokane, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.20.050.

The specific statute these rules are intended to implement is chapter 28A.31 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 13, 1985.

Dated: August 26, 1985 By: John A. Beare, MD Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: Amending chapter 248-150 WAC.

Purpose of the New Rule: To administratively implement the provisions of the amended law ESB 4227, 1985.

Reason These Rules are Necessary: To conform to the amended law and to outline the standards necessary to conduct an effective public school scoliosis screening program which will protect the health and welfare of children.

Statutory Authority: Chapter 28A.31 RCW, as amended by ESB 4227, 1985.

Summary of the Rule or Rule Changes: Expands scoliosis screening in public schools from grades five through eight to five through ten. Includes qualified licensed health practitioners as examiners of school children in the scoliosis screening program and as individuals to whom children requiring treatment for scoliosis are referred. Adds reasons for exempting children from the scoliosis screening requirement. Adds a screening waiver for grades 9 and/or 10 after a cost/ benefit analysis is conducted for school years 1985-86 and 1986-87 scoliosis screening programs.

Person Responsible for the Drafting of the Rule: Garth H. Holmes, HSA II, Office of Maternal and Child Health Services, Division of Health, DSHS, mailstop LC-12D, phone 753-5858. In cooperation with: Judy Maire, RN, OSPI.

Rules proposed by the Division of Health, DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-010 DECLARATION OF PURPOSE. The following rules are adopted pursuant to ((chapter 47, Laws of 1979 ()) chapter 28A.31 RCW((1)), wherein is contained the mandate that the superintendent of public instruction shall provide for and require screening for ((idiopathic)) scoliosis of school children in the state of Washington. It is the purpose of such screening to identify those children who may have a lateral curvature of the spine ((appearing in adolescent children)).

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-020 EXAMINATIONS OF SCHOOL CHIL-DREN FOR SCOLIOSIS-DEFINITIONS. (1) (("Superintendent" means the superintendent of public instruction pursuant to Article III of the state Constitution or his/her designee.

(2) "Pupil" means a student enrolled in the public school system in the state.

(3) "Screening" means a procedure to be performed on all pupils in grades five through eight for the purpose of detecting the possible presence of the condition known as scoliosis.

(4) "Public schools" means common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense

(5)) "Proper training" means instruction and training provided by, or under the supervision of, physicians licensed pursuant to chapters

18.57 or 18.71 RCW specializing in orthopedic, physiatric, or rehabilitative medicine, or a registered nurse licensed pursuant to chapter 18-.88.130 RCW who has had specialty training in scoliosis detection, and appropriate ((to)) for persons who perform the screening procedures referred to in ((section)) WAC 248-150-050.

(2) "Pupil" means a student enrolled in the public school system in the state

(3) "Public schools" means common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

(4) "Qualified licensed health practitioners" means physicians licensed pursuant to chapters 18.57 and 18.71 RCW, registered nurses licensed pursuant to chapter 18.88.130 RCW, and physical therapists licensed pursuant to chapter 18.74 RCW, practicing within the scope of their field as defined by the appropriate regulatory authority.

(5) "Scoliosis" includes idiopathic scoliosis and kyphosis.

- (6) "Screening" means a procedure to be performed on all pupils in grades five through ten for the purpose of detecting the possible presence of the condition known as scoliosis, except as provided for in WAC 248-150-080.
- (7) "Superintendent" means the superintendent of public instruction pursuant to Article III of the state Constitution or his or her designee.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-030 CRITERIA FOR SELECTION OF CHIL-DREN FOR SCOLIOSIS SCREENING. All children in grades ((5)) five through ((8)) ten shall be screened annually except as provided for in section 5, chapter 216, Laws of 1985.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-040 QUALIFICATION OF PERSONNEL. (1) Screening ((will)) shall be conducted by school physicians, school nurses, qualified licensed health practitioners, physical education instructors, other school personnel, or persons designated by school authorities who have received proper training in screening techniques for ((idiopathic)) scoliosis.

(2) Each school district shall designate one individual of the district's staff who ((will)) shall be responsible for the administration of scoliosis screening. This individual's training and experience shall be appropriate to perform the following tasks:

(a) To develop an administrative plan for conducting scoliosis screening in the district in cooperation with the appropriate school personnel in order to ((insure that)) ensure the program can be carried out efficiently with ((a)) minimum ((amount of)) disruption((. This shall)), to include arrangement of appropriate scheduling for scoliosis screenings((;));

(b) To secure appropriate personnel to carry out the screening program((, if such assistance is necessary,)) and to ((insure that)) ensure such personnel receive proper training to conduct the necessary screening procedures((;));

(c) To ((insure that)) ensure accurate and appropriate records are made, ((and)) to make recommendations appropriate to the needs of each child whose screening test is indicative of scoliosis, and to provide copies of these records to parents or legal guardians of the child, as provided for in section 4, chapter 216, Laws of 1985;

(d) To disseminate information to other school personnel explaining the purpose of the program, and to acquaint them with the criteria which might denote the need for referral for scoliosis screening((;)); and

(e) To institute a procedure to evaluate the effectiveness and accuracy of the screening program.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-050 SCREENING PROCEDURES. The screening procedures shall be consistent with nationally accepted standards for scoliosis screening procedures ((such)) as ((those)) published by the American Academy of Orthopedic Surgeons as contained in "Spinal screening program handbook((:))," 1st edition, 1979, to be obtained from the Scoliosis Research Society.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-060 SCREENING RESULTS—RECORDING AND REFERRAL PROCEDURES. A record of the "screening" results ((must)) shall be made of each child suspected of having scoliosis and copies of the results shall be sent to the parents or guardians of the children. The notification shall include an explanation of scoliosis, the significance of treating ((it)) scoliosis at an early stage, the services generally available from a qualified licensed health practitioner for treatment after diagnosis, and a method for the school to receive follow-up information from health care providers.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-070 DISTRIBUTION OF RULES AND PRO-CEDURES. The superintendent shall print and distribute to ((appropriate)) school officials ((the)) these rules ((adopted by the state board of health under the act)) and the recommended records and forms to be used in ((making)) recording and reporting the screening results to parents and to the superintendent.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-080 EXEMPTIONS FROM EXAMINATIONS—SCREENING WAIVERS. (1) Any pupil shall be exempt from the screening procedure upon written request of his or her parent or guardian as specifically provided for in section 5, chapter 216, Laws of 1985.

(2) Screening waivers shall occur as provided by section 6, chapter 216, Laws of 1985.

WSR 85-18-019 EMERGENCY RULES DEPARTMENT OF NATURAL RESOURCES

[Order 466—Filed August 26, 1985]

- I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of emergency rules amending the regulation of logging, land clearing, and other industrial operations which may cause a fire to start in Western and Eastern Washington and regulating burning in Western and Eastern Washington.
- I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the continuation of dry weather keeps forest lands, in certain places of the state, subject to the threat of fire. It is necessary to regulate logging activities and other activities which may cause a fire to start in order to protect life and property.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 26, 1985.

By Brian J. Boyle Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 465, filed 8/21/85)

WAC 332-26-089b OUTDOOR RULE BURN-ING SUSPENSION IN WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPART-MENT OF NATURAL RESOURCES. Effective midnight, ((Wednesday, August 21, 1985, through midnight, Monday, August 26, 1985,)) Monday, August 26, 1985, all privileges to burn without a written permit, as granted under WAC 332-24-090, OUTDOOR FIRE FOR RECREATIONAL OR DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT, are suspended on all lands protected by the Department of Natural Resources in Western Washington.

AMENDATORY SECTION (Amending Emergency Order 465, filed 8/21/85)

WAC 332-26-091a HOOT OWL LOGGING RE-STRICTIONS ON LANDS UNDER THE PROTEC-TION OF THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON. Effective midnight, ((Wednesday, August 21, 1985, through midnight, Monday, August 26, 1985,)) Monday, August 26, 1985, through midnight, Tuesday, September 3, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in Chelan, Kittitas, Yakima, and Klickitat

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

AMENDATORY SECTION (Amending Emergency Order 465, filed 8/21/85)

WAC 332-26-090a HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight, ((Wednesday, August 21, 1985, through midnight, Monday, August 26, 1985,)) Monday, August 26, 1985, through midnight, Tuesday, September 3, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations

during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in the:

Olympic Area – shutdown zones 652, 653, 654
South Puget Sound Area – shutdown zones 652, 654, 659
Northwest Area – shutdown zones 658
Southwest Area – shutdown zones 660, 621
East

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

All burning permits are cancelled in the affected areas.

WSR 85-18-020 PROPOSED RULES INSURANCE COMMISSIONER

[Filed August 26, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning fixed premium universal life insurance, by defining such insurance, establishing reserves and valuation methods, specifying minimum cash surrender values and mandatory policy provisions, establishing disclosure requirements, defining practices to be unfair, and creating filing requirements, adding a new chapter to the Washington Administrative Code;

that the agency will at 10 a.m., Thursday, October 24, 1985, in the Public Lands Building, Hearing Room 1, Capitol Campus, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 6, 1985, at 10 a.m. in the Insurance Commissioner's Olympia office.

The authority under which these rules are proposed is RCW 48.02.060.

The specific statute these rules are intended to implement is RCW 48.01.030, 48.18.100, 48.18.110, 48.18.140, 48.18.150, 48.18.480, 48.30.010, 48.74.080 and 48.76.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency before October 29, 1985. Address: Insurance Building, AQ-21, Olympia, WA 98504.

Dated: August 23, 1985
Dick Marquardt
Insurance Commissioner
By: Robert E. Johnson
Deputy Commissioner

STATEMENT OF PURPOSE

Title: Chapter 284-84 WAC, proposing new rules to regulate fixed premium universal life insurance, by defining such insurance, establishing reserves and valuation methods therefor, specifying minimum cash surrender values and mandatory policy provisions, establishing disclosure requirements, defining practices to be unfair, and creating special filing requirements with respect to such insurance.

The statutory authority for the proposed rules is RCW 48.02.060 (3)(a) to effectuate the provisions of RCW 48.01.030, 48.18.100, 48.18.110, 48.18.140, 48.18.150, 48.18.480, 48.30.010, 48.74.080 and 48.76.060. The last two statutes pertain particularly to the minimum valuation and nonforfeiture standards for fixed premium universal life insurance, while the others pertain to other requirements of the rules.

The purpose of the proposed rules is to define standards for policy forms approval and standards for the maintenance of fixed premium universal life insurance policies, in order to protect consumers from purchasing inferior and deceptive policies, which lack the disclosure information imposed by these rules, and, from the standpoint of insurance companies, in order to guard against company insolvencies due to inadequate reserving for such policies.

The rules set forth the scope of the regulation, define the terms used, establish and explain the minimum valuation standard for these universal life insurance policies, specifying standards for reserves, and the adjustment and testing of reserves, and set forth minimum cash surrender values for fixed premium universal life insurance policies.

Beginning with proposed WAC 284-84-070 the rules set forth mandatory policy provisions and disclosure requirements designed to protect the policyowner. WAC 284-84-100 defines certain practices to be unfair pursuant to RCW 48.30.010 in order to prevent insurers from manipulating this type of policy to the harm or unfair disadvantage of the policyowner or insured. Special filing requirements are imposed by proposed WAC 284-84-110, to ensure that adequate information concerning the policy filing will be received to evaluate the filing.

Storm Johnsen, Chief Actuary for the Insurance Commissioner, (206) 753-7020, is directly responsible for the drafting of the proposed rules, and will assist in the implementation and enforcement of the rules under the supervision of David Rodgers, Chief Deputy Insurance Commissioner, (206) 753-7302, both of whom have their offices in the Insurance Building, AQ-21, Olympia, Washington 98504.

The rules are proposed by Dick Marquardt, the insurance commissioner, a state public official.

The proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: The proposed rules will have a minimal impact on insurers, large or small. The additional cost per employee or per hour of labor is estimated to be zero, whether the insurer has more or less than fifty employees. The proposed rules require disclosure or utilization of information already available. Some insurers will have to upgrade their policy forms, their disclosure services or their maintenance of policies in force, or set up additional reserves. This results from the deficiencies of their current operation. There is no basis for treating a small insurer—one with 50 or fewer employees—differently from a large company. An insured of either is entitled to the same protection which will result from the adoption and implementation of the proposed rules.

Chapter 284–84 WAC REGULATION FOR FIXED PREMIUM UNIVERSAL LIFE IN-SURANCE

WAC	
284-84-010	Scope.
284-84-020	Definitions.
284-84-030	Commissioner's reserve valuation method.
284-84-040	Alternate minimum reserves.
284-84-050	Reserves, adjusting and testing.
284-84-060	Minimum cash surrender values for fixed premium universal life insurance policies.
284-84-070	Mandatory policy provisions.
284-84-080	Disclosure requirements.
284-84-090	Periodic disclosure to policyowner.
284-84-100	Unfair practices.
284-84-110	Filing requirements.

NEW SECTION

WAC 284-84-010 SCOPE. (1) This chapter applies to all insurers and to every individual fixed premium universal life insurance policy form, as defined in this regulation, whether solicited on an individual or mass-marketing basis, delivered or issued for delivery in this state after January 1, 1986.

(2) The approval of individual fixed premium universal life insurance policy forms approved, whether affirmatively approved or deemed approved, prior to January 1, 1986, and which are not in compliance with the provisions of this regulation on January 1, 1987, is hereby withdrawn as of January 1, 1987, and such forms shall not thereafter be used for new issues.

(3) This chapter defines unfair practices and disclosure requirements in connection with the separate accumulation of policy values attached to, granted in a separate policy provision or incorporated in fixed premium universal life insurance policy forms. This chapter does not define minimum nonforfeiture provisions for the separate accumulation of funds or policy values attached to, separately granted or incorporated in fixed premium universal life insurance policy forms.

(4) This chapter does not apply to universal life insurance policies where the interest credits are linked to an external referent.

(5) This chapter does not apply to policy forms defined under chapter 48.18A RCW.

NEW SECTION

WAC 284-84-020 DEFINITIONS. As used in this regulation:

(1) "Universal life insurance policy" means any individual life insurance policy having provisions for separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality and expense charges. A universal life insurance policy may provide for other credits and charges, such as charges for the cost of benefits provided by rider.

(2) "Flexible premium universal life insurance policy" means a universal life insurance policy which permits the policyowner to vary the

amount or timing of one or more premium payments or the amount of insurance, independently of each other.

(3) "Fixed premium universal life insurance policy" means a universal life insurance policy other than a flexible premium universal life insurance policy. These policies typically schedule a guaranteed maximum premium at the beginning of each policy year for the premium paying period.

paying period.

(4) "Cash surrender value" means the amount available in cash to the policyowner upon surrender of the policy, in the absence of any

indebtedness.

(5) "Net cash surrender value" means the cash surrender value less any indebtedness under the policy.

(6) "Policy value" means the amount, developed within the main structure of the policy or provided in a separate policy provision, to which separately identified interest credits and mortality, morbidity, expense or other charges are made under a fixed premium universal life insurance policy. The entire policy value may, or may not, be the property of the policyowner because of built in surrender charges imposed by the insurer.

(7) "Substandard class of insureds" is one whose mortality rates are assumed to be higher than the mortality rates employed with standard

issues according to the insurer's classification of risks.

(8) "Death benefit corridor" defines a minimum policy benefit payable in addition to its cash value in the event of the death of the insured.

NEW SECTION

WAC 284-84-030 COMMISSIONER'S RESERVE VALUATION METHOD. The minimum valuation standard for universal life insurance polices shall be the commissioners reserve valuation method, as hereinafter described for such policies, and the tables and interest rates hereinafter specified. The terminal reserve for the basic policy and any benefits and/or riders for which premiums are not paid separately as of any policy anniversary shall be equal to the net level premium reserves less (C) and less (D), where:

(1) Reserves by the net level premium method shall be equal to

((A)-(B))r where:

(a)(A) is the present value of all future guaranteed benefits at the date of valuation.

(b)(B) is the quantity PVFB-8x+t/8x , where PVFB is the present value of all benefits guaranteed at issue assuming future guaranteed maturity premiums are paid by the policyowner and taking into account all guarantees contained in the policy or declared by the insurer.

(c) \overline{a}_x and \overline{a}_{x+t} are present values of an annuity of one per year payable on policy anniversaries beginning at ages x and x+t, respectively, and continuing until the highest attained age at which a premium may be paid under the policy. (x) is defined as the issue age and (t) is defined as the duration of the policy.

(d) The guaranteed maturity premium for fixed premium universal life insurance policies shall be the premium defined in the policy which

at issue provides the minimum policy guarantees.

(e) The guaranteed maturity premium for fixed premium policies shall be adjusted for death benefit corridors provided by the policy.

(f) r is equal to one.

(g) The guaranteed maturity fund at any duration is that amount which, together with future guaranteed maturity premiums, will mature the policy based on all policy guarantees at issue.

(2)(C) is the quantity $((a)-(b))\cdot a_{x+t}\cdot x/a_x$, where (a)-(b) is as described in RCW 48.74.040(1) for the plan of insurance defined at issue by the guaranteed maturity premiums and all guarantees contained in the policy or declared by the insurer. The definition of a_{x+t} and a_{x+t} is set forth in subsection (1)(c) of this section.

(3)(D) is the sum of any additional quantities analogous to (C) which arise because of structural changes in the policy, with each such quantity being determined on a basis consistent with that of (C) using the maturity date in effect at the time of the change.

(a) Structural changes are those changes which are separate from the automatic workings of the policy. Such changes usually would be initiated by the policyowner and include changes in the guaranteed benefits, changes in latest maturity date, or changes in allowable premium payment period.

(b) In effecting structural changes, consistent methods are prescribed when calculating reserves. Several such methods are possible, but perhaps the simplest such method would be that of maintaining proportionality between the guaranteed maturity fund and guaranteed maturity premium values and the current face amount. In applying

this method, guaranteed maturity fund and guaranteed maturity premium values could be calculated per dollar of face amount and simply multiplied by the new face amount. This would eliminate much of the complexity involved in other methods.

- (c) The guaranteed maturity premium, the guaranteed maturity fund and (B) shall be recalculated to reflect any structural changes in the policy. This recalculation shall be done in a manner consistent with the foregoing descriptions.
- (4) Future guaranteed benefits are determined by (a) projecting the greater of the guaranteed maturity fund and the policy value, taking into account future guaranteed maturity premiums, if any, and using all guarantees of interest, mortality, expense deductions, etc., contained in the policy or declared by the insurer; and (b) taking into account any benefits guaranteed in the policy or by declaration which do not depend on the policy value.
- (5) All present values shall be determined using (a) an interest rate (or rates) specified by RCW 48.74.030 for policies issued in the same year; (b) the mortality rates specified by RCW 48.74.030 for policies issued in the same year or contained in such other table as may be approved by the commissioner for this purpose; and (c) any other tables needed to value supplementary benefits provided by a rider which is being valued together with the policy.
- (6) To the extent that the insurer declares guarantees more favorable than those in the policy (contractual guarantees), such declared guarantees shall be applicable to the determination of future guaranteed benefits.
- (7) The mortality and interest bases for calculating present values are those assumptions defined in the Standard Valuation Law for the calculation of minimum policy reserves.
- (8) RCW 48.74.030 (1)(g) permits valuation calculations on the basis of substandard mortality. While such provisions have been used infrequently in the past, it is anticipated that substandard mortality will be more frequently utilized in universal life insurance, given its flexible nature, to reflect the mortality classification assigned to the policy by the insurer.

NEW SECTION

WAC 284-84-040 ALTERNATE MINIMUM RESERVES. (1) If, in any policy year, the guaranteed maturity premium on any universal life insurance policy is less than the valuation net premium for such policy, calculated by the valuation method actually used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such contract shall be the greater of (a) or (b) of this subsection:

- (a) The reserve calculated according to the method, the mortality table, and the rate of interest actually used.
- (b) The reserve calculated according to the method actually used but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the guaranteed maturity premium in each policy year for which the valuation net premium exceeds the guaranteed maturity premium.
- (2) For universal life insurance reserves on a net level premium basis, the valuation net premium is $PVFB/B_x$ and for reserves on a commissioners reserve valuation method, the valuation net premium is $PVFB/B_x + ((a)-(b))/B_x$

NEW SECTION

WAC 284-84-050 RESERVES, ADJUSTING AND TESTING. (1) Reserves, as calculated without regard to this section, may, under some circumstances, be less than the cash surrender value or the policy value. In such instances, the reserves shall be increased to be equal to the largest of the cash surrender value, the reserve for the policy value less the surrender charges or the policy reserve. The policy value, to the extent it is guaranteed in the present and future years, shall be prefunded in accordance with the principles of the commissioner's reserve valuation method. The policy reserve shall be calculated by the commissioner's reserve valuation method for the fixed premium fixed benefit plan with all present values based on the most conservative of the mortality and interest assumptions defined by the policy guarantees for the purpose of defining benefits, or for the purpose of valuation.

(2) For testing to see if the basic policy reserves calculation pursuant to WAC 284-84-030 is sufficient to cover a scale of cash surrender values, some of which exceed the CRVM basic policy reserves calculation in such section, or for testing a scale of gross premium rates, some or all of which may be less than the basic policy reserve valuation net

premium, the mortality table and interest rates applicable at the actual date of issue for the calculation of minimum policy reserves may be used. Should such testing indicate the need for increased reserves, the reserves as calculated under the assumptions in WAC 284-84-040 would be carried.

- (3) Reserves for policies where the policy value is developed within the structure of their main benefits shall employ the greater of the cash surrender value or the policy value in the testing pursuant to subsection (2) of this section. Alternatively, a separate reserve may be entered on page 3, line 11 of the statutory statement for the excess of the policy value over the guaranteed cash value.
- (4) Reserves for policies where the policy value is provided in a separate policy provision shall employ the cash surrender value in the testing pursuant to subsection (2) of this section and reserve for the policy value separately.

NEW SECTION

WAC 284-84-060 MINIMUM CASH SURRENDER VALUES FOR FIXED PREMIUM UNIVERSAL LIFE INSURANCE POLICIES. (1) The minimum cash surrender values shall be determined separately for the basic policy and any benefits and riders for which premiums are paid separately. The following requirements pertain to a basic policy and any benefits and riders for which premiums are not paid separately.

- (a) The minimum cash surrender value (before adjustment for indebtedness and dividend credits) available on a date as of which interest is credited to the policy shall be equal to ((A)-(B)-(C)-(D)), where:
 - (i)(A) is the present value of all future guaranteed benefits.

(ii)(B) is the present value of future adjusted premiums. The adjusted premiums are calculated as described in RCW 48.76.050 (1) and (2), or in (4)(a), as applicable. If RCW 48.76.050 (4)(a) is applicable, the nonforfeiture net level premium is equal to the quantity

where PVFB is the present value of all benefits guaranteed at issue assuming future premiums are paid by the policy-owner and all guarantees contained in the policy or declared by the insurer, and where a is the present value of an annuity of one per year payable on policy anniversaries beginning at age x and continuing until the highest attained age at which a premium may be paid under the policy.

(iii)(C) is the present value of any quantities analogous to the nonforfeiture net level premium which arise because of guarantees declared by the insurer after the issue date of the policy.

Same shall be replaced by an annuity beginning on the date as of which the declaration became effective and payable until the

end of the period covered by the declaration.

(iv)(D) is the sum of any quantities analogous to (B) which arise because of structural changes in the policy.

- (v) Structural changes are those changes which are separate from the automatic workings of the policy. Such changes usually would be initiated by the policyowner and include changes in the guaranteed benefits, changes in latest maturity date, or changes in allowable premium payment period.
- (vi) In effecting structural changes, consistent methods are prescribed when calculating nonforfeiture values. Several such methods are possible, but perhaps the simplest such method would be that of maintaining proportionality between the guaranteed maturity fund and guaranteed maturity premium values and the current face amount. In applying this method, guaranteed maturity fund and guaranteed maturity premium values could be calculated per dollar of face amount and simply multiplied by the new face amount. This would eliminate much of the complexity involved in other methods.
- (b) Future guaranteed benefits are determined by (i) projecting the policy value, taking into account future premiums, if any, and using all guarantees of interest, mortality, expense deduction, etc., contained in the policy or declared by the insurer; and (ii) taking into account any benefits guaranteed in the policy or by declaration which do not depend on the policy value.
- (c) All present values shall be determined using (i) an interest rate (or rates) specified in chapter 48.76 RCW for policies issued in the same year and (ii) the mortality rates specified for policies issued in the same year or contained in such other table as may be approved by the commissioner for this purpose.
- (2) Minimum paid-up nonforfeiture benefits. If a universal life insurance policy provides for the optional election of a paid-up nonforfeiture benefit, it shall be such that its present value shall be at least

equal to the cash surrender value provided for by the policy on the effective date of the election. The present value shall be based on mortality and interest standards at least as favorable to the policyowner as the mortality and interest standards permitted for paid—up nonforfeiture benefits by chapter 48.76 RCW. In lieu of the paid—up nonforfeiture benefit, the insurer may provide actuarially equivalent alternatives, calculated on a guaranteed or more favorable basis defined in the policy, which provide a greater amount or longer period of death benefits, or, if applicable, a greater amount of earlier payment of endowment benefits. Such alternative paid—up nonforfeiture benefits must be available for election by the policyowner for at least sixty days after the due date of the premium in default.

(3) Nonforfeiture benefits for substandard issues. The cash and nonforfeiture values of a substandard issue shall be calculated according to the same principles and formulas as the standard issues affording equitable treatment of the several classes of insureds.

NEW SECTION

WAC 284-84-070 MANDATORY POLICY PROVISIONS. The policy shall, in addition to compliance with RCW 48.23.020, provide or comply with the following:

(1) The policy shall provide that the policyowner will be sent, without charge, at least annually, a report which will serve to keep such policyowner advised as to the status of the policy including the ownership of the values and benefits. The report shall also specify the conditions, if any, that the policyowner must fulfill in order to obtain these ownerships. The end of the current report period must be no more than three months prior to the date of the mailing of the report. Specific requirements of this report are detailed in WAC 284-84-090.

(2) The policy shall provide for an illustrative report which shall be sent to the policyowner upon request. Minimum requirements of such report are set forth in WAC 284-84-090. The insurer may charge the policyowner a reasonable fee for providing the report. The amount of this fee shall be disclosed on the policy specifications page.

(3) Policy guarantees. The policy shall contain:

(a) A table of guaranteed cash surrender and nonforfeiture values and a description of the basis of their calculation.

(b) All values and data shown in the policy shall be based on the minimum guaranteed interest rate(s) and the maximum guaranteed mortality and expense charges.

- (4) The policy shall contain a description of the calculation of cash surrender values deriving from the accumulation of a policy value including the following information:
 - (a) The guaranteed maximum expense charges and loads;
 - (b) The guaranteed minimum rate or rates of interest;
 - (c) The guaranteed maximum mortality charges;
 - (d) The guaranteed morbidity charges, if any;
 - (e) Any other guaranteed charges; and
 - (f) Any surrender or partial withdrawal charges.
- (5) Expense charges and loads, interest credits, mortality and morbidity charges, other current charges, current surrender or partial withdrawal charges shall not remain conditional for a period longer than twelve months.
- (6) If the policyowner has the right to change the basic coverage, any limitation on the amount or timing of such change shall be stated in the policy. If the policyowner has the right to increase the basic coverage, the policy shall state whether a new period of contestability and suicide is applicable to the additional coverage.
- (7) If there is a misstatement of age or sex in the policy, the amount of the death benefit shall be that which would be purchased by the most recent mortality charge at the correct age or sex. The commissioner may approve other methods which are deemed satisfactory.
- (8) The scheduled guaranteed premium shall be sufficient to fund the coverage to the termination date, if any, and to provide for the endowment, if any.
- (9) If the "current" premiums are not guaranteed, they may be included in the policy if clearly labelled and identified.
- (10) If the contract provides for current premiums, then it shall also disclose the duration of the insurance provided if the current premiums are paid at each policy anniversary. This disclosure shall be in close proximity to the amount of the current premium shown on the policy specifications page. The duration shall be calculated using the guaranteed policy assumptions.
- (11) The policy specifications page shall contain a statement, in close proximity to the statement of the current interest to be credited the policy value, if any, that the current interest and savings in the

mortality or expense charges may not be fully reflected in the policy benefits

- (12) Substandard issues. If a policy is issued to an insured in a substandard premium class, the policy must be identified as a substandard issue on the policy specifications page, along with the guaranteed and current extra premiums and an explanation of how the mortality charge applied to the policy value will be determined.
- (13) The policy shall define the class of insureds in terms of each applicable pricing variable and its initial set of "current" premiums as of the date of issue.
- (14) The policy shall include a provision whereby changes in the current premium and any charges or credits may only be made with respect to the entire class of insureds.
- (15) The brief description on the face page shall contain the words "universal life insurance."

NEW SECTION

WAC 284-84-080 DISCLOSURE REQUIREMENTS. In connection with any advertising, solicitation, negotiation, or procurement of a fixed premium universal life insurance policy:

- (1) Any statement of policy cost factors or benefits shall contain:
- (a) The corresponding guaranteed policy cost factors or benefits, clearly identified;
- (b) A statement explaining the nonguaranteed nature of the current premiums, interest rates, charges, or other fees applied to the policy, including the insurer's rights to alter any of these factors; and
- (c) Any limitations on the crediting of interest, including identification of those portions of the policy value to which a specified interest rate shall be credited.
- (2) Any illustration of the policy value shall be accompanied by the corresponding cash surrender value.
- (3) Any statement regarding the crediting of a specific current interest rate shall also contain the frequency and timing by which such rate is determined.
- (4) Any illustration of the policy benefits based upon interest, mortality, morbidity, expense charges and loads, other current charges, current surrender or partial withdrawal charges which are not guaranteed shall be accompanied by a prominent statement indicating that these benefits are not guaranteed.

NEW SECTION

WAC 284-84-090 PERIODIC DISCLOSURE TO POLICY-OWNER. The policy shall provide that the policyowner will be sent, without charge, at least annually, a report which will serve to keep such policyowner advised of the status of the policy, and any riders attached, including ownership of the values and benefits. The report shall also specify the conditions, if any, that the policyowner must fulfill in order to obtain these ownerships. The end of the current report period shall be no more than three months prior to the date of the mailing of the report.

Such report shall include the following:

- (1) The beginning and ending dates of the current report period;
- (2) The policy value at the end of the previous report period and at the end of the current report period;
- (3) The rate of interest applied to the policy value and the total amounts which have been credited or debited to the policy value during the current report period, identifying each by type (for example, interest, mortality, expense and riders);
- (4) The current death benefit at the end of the current report period on each life covered by the policy;
- (5) The cash surrender value and the net cash surrender value of the policy as of the end of the current report period; and
- (6) The amount of outstanding loans, if any, as of the end of the current report period; and
- (7) If, assuming guaranteed interest, mortality and expense loads and continued scheduled premium payments, the policy's net cash surrender value is such that it would not maintain insurance in force until the end of the next reporting period, a notice to this effect shall be included in the report.

NEW SECTION

WAC 284-84-100 UNFAIR PRACTICES. Pursuant to RCW 48.30.010, it shall be an unfair practice to:

(1) Contrive to set the premiums at the time of repricing so as to reduce, postpone or avoid cash values.

- (2) Recoup past losses or distribute past gains when repricing the policies, when defining the current interest to be credited, or determining mortality, morbidity or expenses to be charged.
- (3) Increase the interest credited to present a more competitive rate while at the same time increasing the mortality, morbidity, expense or other charge or to adjust these and other rates in a similar manner, unless justified by actual company experience.
- (4) Review less than all pricing assumptions at repricing or setting of the current credits and charges, thereby upsetting the consistent and equitable treatment of the policyholders.
- (5) Add additional pricing variables to the definition of a class of insureds after issue.
- (6) Separate one class of insureds into two or more classes after issue.
- (7) Adjust premiums, interest credits, expenses and loads other than with respect to an entire class of insureds.
- (8) Treat renewing policyholders in a manner inconsistent or inequitably with new policyholders.
- (9) Have one class of insureds support, or be supported by, another class.

NEW SECTION

- WAC 284-84-110 FILING REQUIREMENTS. (1) The actuarial memorandum which accompanies the policy filing shall list, among other things, the basis or modification of each table of maximum mortality charge to be used by the company; for example, male, female, and nonsmoker, smoker, etc. It shall also include sufficient numerical data and other information employed by the company to identify the standard and substandard classes of insureds.
- (2) For substandard issues, the commissioner must be supplied with a sample of the appropriate policy pages completed through each type of rating used by the company; for example, percentage of standard class premium, extra premium, temporary or permanent flat charge per thousand.

WSR 85-18-021 EMERGENCY RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Order 85-19-Filed August 26, 1985]

- I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, WA 98504, the annexed rules relating to this administrative order repeals Administrative Order No. 85–17 which was filed as an emergency rule on July 29, 1985, and adopts a new Washington Administrative Code relating to the regulation of persons removing or encapsulating asbestos; to provide specifications for the certification of training programs for the removal or encapsulation of asbestos; to provide specifications for the certification of qualified asbestos workers; and to establish certain fees and penalties for improper removal.
- I, R. A. Davis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this code is promulgated to minimize the significant impact Substitute Senate Bill 4209 will have on persons working to remove or encapsulate asbestos. Substitute Senate Bill 4209 requires workers to have a minimum of thirty hours of training before working with asbestos.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to Substitute Senate Bill 4209, chapter 387, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1985.

By R. A. Davis

Director

Chapter 296–65 WAC Asbestos Removal and Encapsulation.

NEW SECTION

WAC 296-65-001 PURPOSE AND SCOPE. This standard regulates asbestos removal and encapsulation, requires minimum training for asbestos workers and establishes a training certification and notification program for asbestos projects.

NEW SECTION

- WAC 296-65-003 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
- (1) "Approved" means approved by the department unless the context clearly requires otherwise.
- (2) "Asbestos" includes different forms of chrysotile, amosite, crocidolite, tremolite, anthophyllite and actinolite.
- (3) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.
- (4) "Asbestos project" includes the construction, demolition, repair, maintenance or renovation of any public or private building, mechanical piping equipment or system involving the demolition, removal, encapsulation, salvage, or disposal of material releasing or likely to release asbestos fibers into the air.
- (5) "Auxiliary project" means a work activity which does not directly involve an asbestos project but which may disturb or expose asbestos or asbestos—containing materials.
- (6) "Certificate" means the certificate issued by the department.
- (7) "Contractor" includes any partnership, firm, association, corporation or sole proprietorship that contracts to perform the removal or encapsulation of asbestos.
- (8) "Department" means the department of labor and industries.
- (9) "Demolition" includes the wrecking or removal of any load-supporting structural member of a facility including any related handling operations.
- (10) "Encapsulation" means the application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulant creates a membrane over the surface (briding encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

- (11) "HEPA filtration" means high efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.
- (12) "NESHAP" means the National Emission Standards for Hazardous Air Pollutants.
- (13) "Person" means any partnership, firm, association, corporation, sole proprietorship or the state of Washington or its political subdivisions.
- (14) "Qualified asbestos worker" means an individual who is certified by the department to undertake an asbestos project.
- (15) "Removal" includes the stripping of any asbestos containing materials from the surface or components of a facility.
- (16) Renovation includes altering in any way one or more facility components. Operations in which load—supporting structural members are wrecked or removed are excluded.
- (17) "Repair" includes the restoration of asbestos containing insulation that has been damaged, usually located on pipes, boilers, tanks, turbines, ducts or other facility components. Repair usually consists of the application of duct tape, rewettable glass cloth, canvas, cement or other suitable material to seal exposed areas where asbestos fibers may be released. Repair of previously encapsulated asbestos containing materials may involve filling damaged areas with non-asbestos substitutes and reencapsulating. Repair of enclosures around asbestos containing materials is contemplated by this term.
- (18) "Structural component" includes any pipe, duct, boiler, tank, reactor, turbine or furnace at or in a facility or any structural member of a facility.
- (19) "Structural member" means any load-supporting or non-load-supporting member of a facility such as beams, walls, and ceilings.
- (20) "Structure" means an entire facility, building or major portion thereof, such as a building wing.

NEW SECTION

WAC 296-65-005 TRAINING COURSE CONTENT. An approved basic asbestos course shall consist of at least 30 hours of training. The initial training course shall provide, at a minimum, information on the following topics:

- (1) The physical characteristics of asbestos including types, fiber size, aerodynamic characteristics and physical appearance.
- (2) Examples of different types of asbestos and asbestos containing materials. Real asbestos may be used only for observation by trainees and must be enclosed in glass or plastic.
- (3) The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period of diseases, hazards to immediate family, and the health basis for asbestos standards.
- (4) Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection,

- donning, use, maintenance and storage procedure, methods for field checking of the facepiece-to-face seal (positive and negative pressure checks), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g. eye glasses and facial hair), the components of a proper respiratory protection program, respirator program administrator, and selection and use of personal protective clothing.
- (5) Use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.
- (6) Medical monitoring procedures and requirements, including the provisions of WAC 296-62-071 through 296-62-07121 and 296-62-07517, any additional recommended procedures and tests, benefits of medical monitoring and employee access to records.
- (7) Air monitoring procedures and requirements, including the requirements of WAC 296-62-07517, including a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, current standards with proposed changes if any, employee observation and notification, recordkeeping and employee access to records.
- (8) State-of-the-art work practices for asbestos removal and encapsulation activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment, scoring and breaking techniques for rigid asbestos products, glove bag techniques, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, enclosure and repair shall be discussed individually.
- (9) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area.
- (10) Additional safety hazards that may be encountered during asbestos removal and encapsulation activities and hazard abatement, including electrical hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces and noise.
- (11) The requirements, procedures and standards established by:
- (a) The Environmental Protection Agency, 40 CFR Part 61, Subparts A and M.
 - (b) Washington State Department of Ecology.
 - (c) Local air pollution control agencies.
- (d) Washington State Department of Labor and Industries, Division of Industrial Safety and Health, chapter 49.17 RCW (Washington Industrial Safety and Health Act) and ensuing regulations.

NEW SECTION

WAC 296-65-010 QUALIFIED ASBESTOS WORKER CERTIFICATION. (1) For the purposes of this section "individual" means any natural person.

(2) Individuals shall pass, in a manner approved by the department, a written examination demonstrating familiarity with issues relevant to the safe performance of asbestos related activities.

- (a) Upon successful completion of an approved training course the department will issue a certificate establishing the worker as a qualified asbestos worker.
- (b) To be considered timely, an application for a qualified asbestos worker certificate must be received by the department no later than 60 days after the completion date of an approved training course.
- (3) No individual shall perform any asbestos project work prior to issuance of the certificate. The certificate is valid for two years from the date of issuance.
- (4) Qualified asbestos workers shall attend a 7-hour refresher course prior to certificate renewal.
- (a) The course shall, at a minimum, adequately review the subjects required by WAC-296-65-005, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations. Specific subjects may be required by the department.
- (b) An application for renewal of the certificate must be accompanied by proof of attendance in an approved refresher training course.
- (c) To be considered timely, the certificate renewal application must be received by the department no later than 60 days after the certificate expiration date.
- (5) The certificate shall be available for inspection at all times during an asbestos project.
- (6) The department may suspend or revoke a certificate for failure of the holder to comply with any applicable health or safety standards.

NEW SECTION

WAC 296-65-015 TRAINING COURSE CERTI-FICATION. Basic and refresher asbestos training courses may be provided by any person, environmental health consulting firm, union, trade association, educational institution, public health organization, individual, governmental agency, or other entity.

- (1) Each course shall be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers. Course content shall be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.
- (2) Sponsors of basic and refresher training courses proposed for approval must submit:
 - (a) Background information about course sponsors,
 - (b) Course locations and fees,
 - (c) Copies of course handouts:
- (d) A detailed description of course content and the amount of time allotted to each major topic;
- (e) A description of teaching methods to be utilized and a list of all audio-visual materials, the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;
- (f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each;
- (g) A description of student evaluation methods and a copy of the required written examination including the

scoring methodology to be used in grading the examination;

- (h) A description of course evaluation methods, and
- (i) Any restrictions on attendance (language, class size, affiliation, etc.).
- (3) Application for training course approval and course materials shall be submitted to the department at least 45 days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program
Department of Labor and
Industries, AX-31hy
814 E. 4th Avenue
P.O. Box 207
Olympia, Washington 98504

- (4) Upon approval of a basic or refresher asbestos training course, the department will issue the course sponsor a certificate. The certificate is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (2) and (3) of this section.
- (5) To be considered timely, the training course certificate renewal must be received by the department no later than 60 days after the certificate expiration date.
- (6) Any changes to a training course must be approved by the department in advance.
- (7) The course sponsor shall provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after a course is completed and must include the name and address of each trainee.
- (8) The course sponsor must notify the department at least one week before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.
- (9) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.
- (10) The department may suspend or revoke the certification of a training course if its sponsor fails to maintain the course content and quality as initially approved.
- (11) The training course sponsor shall limit each class to a maximum of fifty participants unless granted an exception in writing by the department. To apply for an exception allowing class size to exceed fifty, the course sponsor must submit the following information in writing to the department for evaluation and approval prior to expanding class size beyond fifty participants.
 - (a) The class attendance limit,
- (b) The teaching methods and techniques for training the proposed larger class; and
- (c) The protocol for conducting the written examination.

NEW SECTION

WAC 296-65-020 NOTIFICATION REQUIRE-MENTS. A copy of any notice of intention to demolish or renovate a facility required to be filed with an air pollution control agency in accordance with NESHAP (40 CFR Part 61) shall be sent directly to the department by each person whose employees, if any, are renovating or demolishing any structure. Notices must be received within the same time periods required under NESHAP and may be mailed to: Asbestos Certification Program, Department of Labor and Industries, AX-31hy, 814 E. 4th Avenue, P.O. Box 207, Olympia, Washington 98504.

NEW SECTION

WAC 296-65-025 CERTIFICATE FEE. (1) A non-refundable administrative fee of twenty-five dollars (\$25.00) shall be assessed for each initial or renewal certificate application. The fee (check or money order) must accompany the certificate application and be made payable to the department. An application form may be obtained from any approved training course instructor or directly from the department.

(2) A non-refundable administrative fee of one hundred fifty dollars (\$150.00) shall be assessed for each initial or renewal application for an approved training course certificate. A check or money order shall accompany any application made under the provisions of WAC 296-65-015 and be made payable to the department.

NEW SECTION

WAC 296-65-030 METHODS OF COMPLI-ANCE. (1) No contractor, employee, or other individual is eligible to work on an asbestos project unless properly issued a certificate by the department, except, in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship in its own facility and by its own employees under the direct on-site supervision of a qualified asbestos worker.

- (2) No person may assign any employee, contract with or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a qualified asbestos worker except in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship in its own facility and by its own employees under the direct on-site supervision of a qualified asbestos worker.
- (3) In cases excepted under subsections (1) and (2) of this section, the partnership, firm, corporation or sole proprietorship shall annually submit a written description to the department which includes at least the following information:
- (a) The kinds of asbestos projects expected to be undertaken during a period of time not to exceed one year from the date of submission;
- (b) The procedures to be used in undertaking asbestos projects;
- (c) Methods of compliance with chapter 296-65 WAC and chapter 296-62 WAC;
- (d) Methods of compliance with any additional procedures required by law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos, and

- (e) The name, address and certification number of the supervising qualified asbestos worker.
- (4) A further written description must be submitted to the department prior to commencing a project, if during the one year period covered by the written description submitted to the department in accordance with WAC 296-65-030(3), previously unidentified or new asbestos projects are proposed.
- (5) Written descriptions, shall be mailed to: Asbestos Certification Program, Department of Labor and Industries, AX-31hy, 814 E. 4th Avenue, P.O. Box 207, Olympia, Washington 98504.
- (6) Whenever compelling public safety concerns demonstrate a potential asbestos exposure clearly more extensive than the potential exposure to any employees of an asbestos removal or encapsulation contractor, the contractor or property owner may petition the Asbestos Certification Program for temporary relief from these emergency rules. Relief may be granted, in the sole discretion of the Assistant Director of the Division of Safety and Health, Department of Labor and Industries only if:
- (a) The relief is requested prior to commencement of work or continuation of work after July 29, 1985;
- (b) All provisions of Chapter 296-62 WAC pertinent to asbestos work and respiratory protection have been and will continue to be met. The application for relief shall include evidence of these requirements having been met, and,
- (c) Written notification of asbestos exposure has been communicated to all workers at the site. This notice shall include a description of the work being performed, the hazards attendant to asbestos exposure, and the requirements of Engrossed Substitute Senate Bill No. 4209, Chapter 387, Laws of 1985, 49th Regular Legislative Session and Chapter 296–65 WAC.

NEW SECTION

WAC 296-65-040 APPEALS - NOTICE AND FILING. (1) Any final Correction Order issued by the department citing a violation of the provisions of Chapter 387, Laws of 1985 or this chapter shall only be appealed to the department. Any appeal from such an order shall be communicated in writing to the department within 30 calendar days of receipt of such order by the appealing party.

- (2) The written notice of appeal shall indicate:
- (a) The specific Correction Order being appealed;
- (b) The name and address of the appealing party,
- (c) The grounds upon which the appealing party considers the Correction Order to be unjust or unlawful;
- (d) A statement of the facts asserted in support of each of the grounds for the appeal;
 - (e) The specific relief sought, and
- (f) A statement that the person signing the notice of appeal has read it and to the best of his or her knowledge, information and belief there are good grounds to support the appeal.
 - (3) The written notice of appeal shall be delivered to:

Asbestos Certification Program
Department of Labor and
Industries, AX-31hy
814 E. 4th Avenue
P.O. Box 207
Olympia, Washington 98504

NEW SECTION

WAC 296-65-045 APPEALS – PROCEDURE. Any appeal of a final Correction Order of the department shall be heard and ruled upon in accordance with the provisions of the Washington Administrative Procedure Act, chapter 34.04 RCW, and chapter 296-08 WAC.

WSR 85-18-022 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed August 27, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning assessment and taxation of motor vehicles, travel trailers, campers, motor homes and watercraft:

New	WAC 458-17-100	Ships and vessels—Apportionment of value.
Rep	WAC 458-12-250	Listing of property—Ships and vessels—Definition.
Rep	WAC 458-12-255	Listing of property—Ships and vessels— Taxable situs in Washington.
Rep	WAC 458-12-260	Listing of property—Ships and vessels—Vessels under construction.
Rep	WAC 458-12-265	Listing of property—Ships and vessels—Partial exemption;

that the agency will at 10:00 a.m., Wednesday, October 9, 1985, in the 4th Floor Conference Room, 415 General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 11, 1985.

The authority under which these rules are proposed is RCW 84.08.070.

The specific statute these rules are intended to implement is RCW 84.08.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1985.

Dated: August 27, 1985 By: Trevor W. Thompson Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045 accompanies proposed rules to be promulgated by the Department of Revenue, as follows:

Title: Assessment and taxation of motor vehicles, travel trailers, campers, motor homes and watercraft. New section WAC 458-17-100 Ships and vessels—Apportionment of value.

Purpose: To provide for the apportionment of the value of ships and vessels to the state of Washington based upon their length of stay within this state.

Statutory Authority: RCW 84.08.070 provides for the Department of Revenue to adopt rules to carry out the duties imposed on it by chapter 84.08 RCW.

Summary and Reasons for the Rule: To provide how the department will apportion the value of ships and vessels to this state based upon the ship's length of stay within this state. The rule is intended to comply with the interstate and foreign commerce clauses of the United States Constitution and still levy taxes on ships and vessels that are fair and equitable.

Drafter of the Rule, Rule Implementation and Enforcement: Trevor W. Thompson, 6004 South Capitol Boulevard, Tumwater, Washington 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: This rule complies with the interstate and foreign commerce clauses of the United States Constitution.

Regulatory Fairness Act: In the department's judgment, the provisions of the Regulatory Fairness Act do not require the submission of a small business economic impact statement as the proposed rule does not effect small business.

Chapter 458-17 WAC

ASSESSMENT AND TAXATION OF MOTOR VEHICLES, TRAVEL TRAILERS, CAMPERS, MOTOR HOMES, AND WATERCRAFT

NEW SECTION

WAC 458-17-100 SHIPS & VESSELS-APPORTIONMENT OF VALUE. Ships and vessels which are subject to assessment by the Department of Revenue under RCW 84.08.200 and do not meet the definition of a "steamboat company" under RCW 84.12.200(13) shall have their value apportioned to the state of Washington based upon the following rules:

(1) Vessels engaged in foreign commerce shall not have their value apportioned to this state if their presence within the limits of the state is solely for the purpose of taking on or discharging cargo or passengers and the length of stay for such activity is reasonable. If the stay of a vessel is indefinite, or is maintained within the limits of the state to suit the convenience of the owner or is subjected to local use, the value shall be apportioned to this state based upon the number of days or fraction thereof that the vessel is within the limits of the state during the preceding calendar year.

(2) Vessels engaged in interstate commerce shall have their value apportioned to this state based upon the number of days or fraction thereof that the vessel is within the limits of the state during the preceding calendar year. PROVIDED, That if the total number of days the vessel is within the limits of the state does not exceed 29 for the preceding calendar year, no value shall be apportioned.

(3) Vessels engaged in fishing on the high seas or waters under the jurisdiction of other states shall have their value apportioned to this state based upon the number of days or fraction thereof that the vessel is within the limits of the state during the preceding calendar year; PROVIDED, That if the total number of days the vessel is within the

limits of the state does not exceed 29 for the preceding calendar year, no value shall be apportioned.

(4) Vessels engaged in intrastate commerce or fishing and seldom leave the limits of the state or leave the limits of the state while navigating the high seas in order to travel between ports of this state and do not acquire taxable situs elsewhere shall have their total value apportioned to this state.

(5) "Limits of the state" shall mean Washington State's normal boundaries abutting Canada, Oregon, and Idaho and three miles to the west of Washington's coast line.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 458-12-250 LISTING OF PROPERTY—SHIPS AND VESSELS—DEFINITION.
- (2) WAC 458-12-255 LISTING OF PROPERTY—SHIPS AND VESSELS—TAXABLE SITUS IN WASHINGTON.
- (3) WAC 458-12-260 LISTING OF PROPERTY—SHIPS AND VESSELS—VESSELS UNDER CONSTRUCTION.
- (4) WAC 458-12-265 LISTING OF PROPERTY—SHIPS AND VESSELS—PARTIAL EXEMPTION.

WSR 85-18-023 ADOPTED RULES CORRECTIONS STANDARDS BOARD

[Order 86-01-Filed August 27, 1985]

Be it resolved by the Corrections Standards Board, acting at the Ridpath Hotel, Spokane, Washington, that it does adopt the annexed rules relating to:

Amd WAC 289-28-300 Prisoner money accounts.

Amd WAC 289-28-400 Accountability for prisoners.

This action is taken pursuant to Notice No. WSR 85-14-084 filed with the code reviser on July 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 298, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1985.

By Robert W. Cote Executive Secretary

AMENDATORY SECTION (Amending Order 84-51, filed 10/12/84)

WAC 289-28-300 PRISONER MONEY ACCOUNTS. (1) The accounting system for prisoner money shall be described by written policy and procedure, which shall be available to prisoners. All deposits, payments, and expenditures shall be recorded and receipted.

- (2) The chief law enforcement officer (or director of corrections) or designee ((shall)) may collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the facility, court-ordered restitution and victim-compensation payments, and share of the administrative expenses, as ((required by)) set forth in RCW 70.48.210 (3)(d).
- (3) Support payments for the prisoner's dependents, if any, shall be made as directed by the court.

(4) With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. ((Consent to payment of restitution may be imposed as a condition of work release when authorized or required by court order:)) Any balance shall be retained and paid to the prisoner ((when the prisoner is discharged)).

AMENDATORY SECTION (Amending Order 84-51, filed 10/12/84)

WAC 289-28-400 ACCOUNTABILITY FOR PRISONERS. (1) The work release prisoner shall be confined in a work release facility or jail ((whenever the prisoner is not employed and between the hours of employment unless the court directs otherwise)) unless authorized to be absent from the facility for program—related purposes.

- (2) A current written schedule of the times during which prisoners are authorized to be absent from the facility shall be maintained.
- (3) To ensure strict accountability, as to the whereabouts of each prisoner, the facility shall have a sign-in/sign-out sheet recording the date and time of departure and expected return, destination, reason for leaving the facility and time of actual return. Each entry shall be initialed by the responsible staff on duty.
- (4) The facility shall establish and follow written policies and procedures to verify attendance of prisoners at the place for which absence from the facility is authorized.

WSR 85-18-024 ADOPTED RULES CORRECTIONS STANDARDS BOARD

[Order 86-02-Filed August 27, 1985]

Be it resolved by the Corrections Standards Board, acting at the Ridpath Hotel, Spokane, Washington, that it does adopt the annexed rules relating to:

Amd WAC 289-26-300 Capacity (special detention facilities).

Amd WAC 289-26-310 Crowding (special detention facilities).

This action is taken pursuant to Notice No. WSR 85-14-083 filed with the code reviser on July 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Corrections Standards Board as authorized in RCW 70.48.050.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1985.

By Robert W. Cote Executive Secretary AMENDATORY SECTION (Amending Order 84-51, filed 10/12/84)

WAC 289-26-300 CAPACITY. (1) The director of the local department of corrections or chief law enforcement officer shall propose a maximum capacity for each special detention facility, except where such facility's capacity is already included within a jail facility with an established capacity under WAC 289-15-225. Notice of such proposed maximum capacity shall be delivered to the corrections standards board at least sixty days prior to the opening of a facility.

(2) The board shall establish a maximum capacity at its next regularly-scheduled public meeting. It shall be the responsibility of the board to establish cause for revising the maximum capacities proposed by the governing unit in question. One year special detention and work release facilities will be deemed adequate to house up to the number of prisoners which would result in ((an average net living space of ninety-five square feet per prisoner in each of the living areas of the facility)) sixty square feet per prisoner in each single room, multiple occupancy room and dormitory and a minimum of thirty-five square feet per prisoner for leisure time activity space. Seventy-two hour special detention facilities will be deemed adequate to house up to the number of prisoners which would result in sixty square feet per prisoner in each single room, multiple occupancy room and dormitory.

AMENDATORY SECTION (Amending Order 84-51, filed 10/12/84)

WAC 289-26-310 CROWDING. Facilities shall provide one bed and an average net living area (as defined in WAC 289-02-020(11)) ((of at least ninety-five square feet)) consistent with WAC 289-26-300 for each prisoner. Population shall not exceed capacity, as determined pursuant to WAC 289-26-300.

WSR 85-18-025 ADOPTED RULES CORRECTIONS STANDARDS BOARD

[Order 86-03-Filed August 27, 1985]

Be it resolved by the Corrections Standards Board, acting at the Ridpath Hotel, Spokane, Washington, that it does adopt the annexed rules relating to:

Amd WAC 289-16-130 Classification/segregation (holding facilities).

Amd WAC 289-16-230 Classification/segregation (detention and correctional facilities).

Amd WAC 289-26-430 Classification/segregation criteria.

the code reviser pursuant to RCW 34.04.040(2).

This action is taken pursuant to Notice No. WSR 85-14-085 filed with the code reviser on July 1, 1985. These rules shall take effect thirty days after they are filed with

This rule is promulgated pursuant to chapter 50, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 26, 1985.

By Robert W. Cote Executive Secretary

AMENDATORY SECTION (Amending Order 84-51, filed 10/12/84)

WAC 289-26-430 CLASSIFICATION/SEG-REGATION CRITERIA. To the extent possible in the available physical plant, the following classification criteria shall be used.

- (1) Juvenile.
- (a) No juvenile shall be held in a special detention facility without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been ((remanded to superior court jurisdiction)) transferred previously to adult courts: PROVIDED, That no person under the chronological age of sixteen shall be held in a special detention facility ((in which adult prisoners are also being held)). A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer."
- (b) ((All governing units are advised of the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as amended by the Juvenile Justice Amendments of 1980 (Public Law 96-509) which provide that no juveniles be housed in adult detention facilities after 1985, denies certain federal funds to states which do not comply with these requirements, and directs that guidelines shall be established for meeting this requirement over the five-year period. WAC 289-26-430 (1)(b) ADVISORY:)) A juvenile shall not be confined in a jail or holding facility for adults, except:
- (i) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or
- (ii) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.
- (2) Female prisoners shall be segregated from visual and physical contact with male prisoners except under continual supervision of a staff person.
- (3) Special problem prisoners who endanger the health or safety of other prisoners (or themselves) shall be segregated and closely supervised.

AMENDATORY SECTION (Amending Order 13, filed 3/24/81)

WAC 289-16-130 CLASSIFICATION/SEG-REGATION. (HOLDING FACILITIES.) (1) Classification procedures. Written classification procedures shall be included in the policies and procedures.

- (2) Classification. The department of corrections or chief law enforcement officer, or his designee, shall be responsible for classification in accordance with written procedures.
- (3) Classification training. At least one staff person per shift shall be trained in the facility's classification procedures and shall be responsible for classification. (30 day, 72 hour) (Not applicable 6 hour)
- (4) Classification criteria. To the extent possible in the available physical plant, the following classification criteria shall be used. If (4)(a) through (d) cannot be enforced, arrangements shall be made to immediately transfer the prisoners involved to another facility which can segregate and supervise them.
- (a) The primary criteria for classification shall be safety of the prisoner and the security of the institution.
 - (b) Juvenile.
- (i) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been ((remanded to superior court jurisdiction)) transferred previously to adult courts: PROVIDED, That no person under the chronological age of sixteen shall be held in a jail ((in which adult prisoners are also being held)) or holding facility for adults: PROVIDED FURTHER, That this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer.
- (ii) ((All governing units are advised of the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as amended by the Juvenile Justice Amendments of 1980 (Public Law 96-509) which provide that no juveniles be housed in adult detention facilities after 1985, denies certain federal funds to states which do not comply with this requirement, and directs that guidelines shall be established for meeting this requirement over the five-year period. WAC 289-16-130 (4)(b)(ii) ADVISORY)) A juvenile shall not be confined in a jail or holding facility for adults, except:
- (A) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

- (B) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.
- (c) Females shall be segregated from visual and physical contact with male prisoners except under continual supervision of a staff person.
- (d) Special problem prisoners who endanger the health or safety of other prisoners (or themselves) shall be segregated and closely supervised.
- (e) Prisoners on work release and weekend confinement programs, and any other prisoners who have regular contact outside the jail should be segregated from other prisoner categories (30 day, 72 hour). WAC 289-16-130 (4)(e) ADVISORY (Not applicable 6 hour)
- (f) Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post trial status, and offender sophistication.

AMENDATORY SECTION (Amending Order 12, filed 3/19/81)

WAC 289-16-230 CLASSIFICATION/SE-GREGATION. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Classification.

- (a) The department of corrections or chief law enforcement officer shall establish written classification and reclassification procedures which shall be included in the manual of policies and procedures.
- (b) A classification committee, or individual shall be designated as responsible for classification of prisoners confined in the facility in accordance with such written procedures: PROVIDED, That this does not preclude designation of alternate persons to serve in such individuals' absence: PROVIDED FURTHER, That certain classification functions, such as initial cell assignment, may be delegated, in writing, to staff not assigned to classification functions.
- (c) It is recommended that no less than two facility staff members be responsible for classification determinations when reasonably possible. WAC 289-16-230 (1)(c) ADVISORY.
- (d) For each prisoner confined in a detention or correctional facility, those responsible for classification shall determine the degree of security required, housing assignment, program eligibility, and regulations for association within and outside the confinement area.
 - (2) Classification procedures.
- (a) Each prisoner confined in a detention or correctional facility shall be interviewed by the persons responsible for classification determinations or other designated staff. Where designated staff conduct the interviews, the information shall be reported to the classification committee, or person responsible in a uniform manner.
- (b) Each prisoner shall be classified as soon as reasonably possible.
- (c) The prisoner shall be promptly informed of any classification housing assignment decision other than

"general population," and of his right to have that decision reviewed upon making a request. Such notice shall also be given with regard to any reclassification action.

- (d) A prisoner who is dissatisfied with his housing assignment shall be entitled to a review of the decision by the department of corrections or chief law enforcement officer upon making a written request, and shall be promptly informed of this right. Such request shall be reviewed by the department of corrections, chief law enforcement officer, or a designated staff member supervisory to the classification committee, within 72 hours of its receipt by staff. The prisoner shall receive a written decision of the review of such assignment, including reason(s).
 - (3) Criteria for prisoner classification.
- (a) The primary criteria for classification shall be the safety of the prisoner and the security of the institution.
 - (b) Juveniles.
- (i) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been ((remanded to superior court jurisdiction)) transferred previously to adult courts: PROVIDED, That no person under the chronological age of sixteen shall be held in a jail ((in which adult prisoners are also being held)) or holding facility for adults: PROVIDED FURTHER, That this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer."
- (ii) ((All governing units are advised of the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as amended by the Juvenile Amendments of 1980 (Public Law 96-509) which provide that no juveniles be housed in adult detention facilities after 1985, denies certain federal funds to states which do not comply with this requirement, and directs that guidelines shall be established for meeting this requirement over the five-year period. WAC 289-16-230 (3)(b)(ii) ADVISORY)) A juvenile shall not be confined in a jail or holding facility for adults, except:
- (A) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or
- (B) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

- (c) Females shall be segregated from visual communication and physical contact with male prisoners except under (([the])) the direct supervision of a staff person.
- (d) Special problem prisoners who endanger the health and safety of other prisoners (or themselves) shall be segregated and closely supervised.
- (e) Prisoners on work release or weekend confinement programs, and any other prisoners who have regular contact outside the jail shall be segregated from other prisoner categories.
- (f) Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post-trial status, and offender sophistication.
 - (4) Administrative segregation.
- (a) Written classification procedures shall include provisions for the separation of certain prisoners for their own protection, for purposes of investigation, and for the security of the facility.
- (b) Written documentation shall be maintained for each case of administrative segregation.

WSR 85-18-026 ADOPTED RULES DEPARTMENT OF FISHERIES

[Order 85-111-Filed August 27, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

This action is taken pursuant to Notice No. WSR 85-15-098 filed with the code reviser on July 24, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 27, 1985.

By William R. Wilkerson Director

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-185 MARINE AREA CODES. The term "marine area code numbers" is defined as the catch area for the salmon catch record card. The following is a list of the catch areas:

- (1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge north to Leadbetter Point.
- (2) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River.
- (3) Area 3 (La Push): From the Queets River north to Cape Alava.

- (4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.
- (5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.
- (6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) Navigation Buoy BW "R" Smith Island the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) Northwest Island the Initiative 77 marker on Fidalgo Island.
- (7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.
- (8) Area 8 (Deception Pass, Hope and Camano Islands): A line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point Shipwreck Line.
- (9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.
- (10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.
- (11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.
- (12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.
- (13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

WSR 85-18-027 ADOPTED RULES DEPARTMENT OF FISHERIES

[Order 85-112-Filed August 27, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to subsistence fishing rules.

This action is taken pursuant to Notice No. WSR 85-15-053 filed with the code reviser on July 17, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 27, 1985.

By William R. Wilkerson Director

AMENDATORY SECTION (Amending Order 84-11, filed 2/21/84)

WAC 220-32-055 OFF-RESERVATION INDIAN SUBSISTENCE FISHING. (1) It is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess salmon or other food fish for subsistence purposes except in accordance with the provisions of this section.

(2) It is lawful for individuals possessing treaty fishing rights pursuant to the Yakima Treaty, the Warm Springs Treaty, the Umatilla Treaty, and the Nez Perce Treaty to fish for food fish for subsistence family—use purposes subject to the following provisions:

- (a) Such fishing is permitted year-round in the following areas: That area of the mainstem Columbia River from a ((point at Light #7)) line between a marker on ((Sheridon Point)) the Washington shore and a marker on the Oregon shore, such line located approximately one-half mile upstream from the mouth of Eagle Creek, upstream to a point at the four-second flashing light #67 approximately 1/2 mile downstream of the Dalles Bridge; that area of the mainstem Columbia River from a point 200 feet above the Dalles Dam fishway exit upstream to a point 600 feet downstream of the John Day Dam fishway entrance; that area of the mainstem Columbia River from a point 200 feet above the John Day Dam fishway exit upstream to a point at the downstream end of the wingwall of the McNary Dam boat lock; that area of Columbia River from a point 200 feet above the McNary Dam fishway exit upstream to the Highway 12 bridge; excluding those areas within 1/4 mile radius of the mouth of Wind River, Little White Salmon River (Drano Lake), Klickitat River, and Spring Creek Hatchery fishway entrance.
- (b) Lawful fishing gear by treaty Indians in the above-designated area includes dip nets and bag nets of a mesh size not exceeding 5 inches attached to a hoop 24 feet or less in circumference, spear, gaff, club, and foul book
- (c) It is lawful to use sport angling gear in places and at times allowed under chapter 220-56 WAC series for treaty Indian subsistence purposes.
- (d) It is unlawful to use drift gill nets or set gill nets for treaty Indian subsistence fishing in the mainstem of the Columbia River except as authorized by the director of the department of fisheries under the provisions of WAC 220-32-060.
- (e) It is unlawful to use gill nets, set nets, hoop nets, dip or bag nets with a mesh size exceeding 5 inches, set lines, or any other type of fishing gear not otherwise specifically authorized except during times and in areas where such gear is authorized for commercial fishing purposes.

(3) In accordance with RCW 75.08.265, it is lawful for the following Wanapum Indians to take, fish for, and possess food fish for subsistence purposes in the vicinity of Priest Rapids Dam in specified areas at specified times using specified gear authorized by the director of the department of fisheries. The individuals designated below may be revised from time to time by agreement between the Wanapum Indians and the director of the department of fisheries:

Frank Buck Jade Buck

Stanley Buck Robert S. Tomanawash, Sr.

Willie Buck
Harry Buck
Ken Buck
Rex Buck, Jr.
Phillip Buck
Richard Buck
Lester Umtuch
Grant Wyena
Jerry Wyena
Douglas Wyena
Jimmy Wyena
Patrick Wyena

The following provisions apply to this fishery:

- (a) It is unlawful to fish at any time, place, or using gear other than that designated by the director of the department of fisheries and authorized by regulation.
- (b) It is unlawful for Wanapum Indian fishermen to fail to report, in writing, their total catch to the department of fisheries within five days of the end of fishing activity under subsection (3)(a) of this section.
- (c) Should any Wanapum Indian be convicted of violating the provisions of this section, or sell, barter, or attempt or sell or barter any fish taken in this fishery or any treaty Indian fishery, that fishermen will be ineligible to further participate in the Wanapum Indian subsistence fishery unless otherwise determined by the director of the department of fisheries.
- (4) It is unlawful to sell, barter, or offer for sale or barter, buy, or for a commercially licensed buyer or wholesale fish dealer to have in possession food fish taken in an Indian subsistence fishery under the provisions of subsections (2) and (3) of this section.
- (5) It is unlawful for fishermen participating in an Indian subsistence fishery to fail to submit their catch to department of fisheries employees for the conduct of biological sampling or to fail to allow necessary biological samples to be taken.

WSR 85-18-028 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-113—Filed August 27, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 27, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-57-16000T COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160: (1) Effective immediately until further notice, in those waters of the Columbia River downstream from Wells Dam to the Highway 12 Bridge – bag limit C, except that the daily bag limit may include two sockeye salmon.

(2) Effective immediately until further notice, in those waters of the Columbia River downstream from the Highway 12 Bridge at Pasco to the Megler-Astoria Bridge: Bag limit A.

(3) Effective immediately until 11:59 p.m. August 30, 1985 in those waters of the Columbia River downstream from the Megler-Astoria Bridge to a line running true north-south through Buoy 10 it is unlawful to fish for or possess salmon taken for personal use.

(4) Effective 12:01 a.m. August 31 until 11:59 p.m. September 5, 1985, or until a quota of 10,000 coho salmon will have been taken, whichever occurs first, in those waters of the Columbia River downstream from the Megler-Astoria Bridge to a line drawn true northsouth through Buoy 10: Special bag limit of two coho salmon per day not less than 16 inches in length. All other salmon must be released immediately. Barbless hooks are required in the fishery provided for in this subsection.

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-57-16000S COLUMBIA RIVER. (85-106)

WSR 85-18-029 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-114—Filed August 27, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available, and this rule is adopted at the recommendation of the Columbia River Compact Commission.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 27, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-32-05100P SEASONS—SALMON. Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, it is unlawful for any person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:

Immediately to Noon August 28, 1985 Noon August 29 to Noon September 3, 1985 Noon September 6 to Noon September 11, 1985 Noon September 14 to Noon September 18, 1985 Noon September 20 to Noon September 24, 1985

All closures in WAC 220-32-058 remain in effect except the closure at the mouth of Spring Creek is limited to a closure within a 50 foot radius of the fish ladder at the mouth of Spring Creek. The 300 foot net length restriction does not apply to this fishery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220–32–05100N SEASONS—SALMON. (85–96)

WSR 85-18-030 PROPOSED RULES DEPARTMENT OF SERVICES FOR THE BLIND

[Filed August 28, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Services for the Blind intends to adopt, amend, or repeal rules concerning business enterprise revolving fund, WAC 67-35-160.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 13, 1985.

The authority under which these rules are proposed is RCW 74.18.200.

This notice is connected to and continues the matter in Notice No. WSR 85-15-075 filed with the code reviser's office on July 22, 1985.

Dated: August 28, 1985 By: Paul Dziedzic Director

WSR 85-18-031 ADOPTED RULES HOUSING FINANCE COMMISSION

[Resolution No. 85-55—Filed August 28, 1985]

Be it resolved by the Washington State Housing Finance Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to the Executive Conflict of Interest Act as applied to the Washington State Housing Finance Commission.

This action is taken pursuant to Notice No. WSR 85-13-069 filed with the code reviser on June 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.18.250 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 23, 1985.

By James L. Kirschbaum

Chairman

TITLE 262 WAC

WASHINGTON STATE HOUSING FINANCE COMMISSION

CHAPTER 262-02 WAC

RULES RELATING TO THE EXECUTIVE CONFLICT OF INTEREST ACT

NEW SECTION

WAC 262-02-010 PROMULGATION (This promulgation relates to WAC 262-02-010 through 262-02-030).

I, James L. Kirschbaum, Chair, Washington State Housing Finance Commission, P.O. Box 2665, Spokane, Washington 99550, by virtue of the authority vested in me under chapter 42.18 RCW and Executive Order 80-16, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Seattle, Washington on July 24, 1985, do hereby promulgate the following regulations relating to conflict of interest appropriate to the specific needs of the Washington State Housing Finance Commission.

NEW SECTION

WAC 262-02-020 PURPOSE. 1. As provided in RCW 42.18.250, "The Executive Conflict of Interest Act," the chair of the Washington State Housing Finance Commission (the "Commission") may promulgate, for the guidance of its commissioners and employees, regulations relating to conflict of interest which are appropriate to the specific needs of the Commission.

2. The legislature intended that commissioners appointed to the Washington State Housing Finance Commission have experience with and expertise in housing matters, including housing construction and finance, and that they represent various industry and consumer groups. RCW 43.180.040(2). The Commission intends that its commissioners actively participate in and lend their expertise to the deliberations of the Commission. These regulations are intended to insure that decisions of the Commission are based on the expertise and unbiased judgment of these commissioners and not on their self-interest.

NEW SECTION

WAC 262-02-030 RULES OF CONDUCT. 1. For any matter connected with, or related to, the discharge of official duties for the Commission, no commissioner or employee shall, directly or indirectly, solicit or accept any gift or loan of money, goods, or services (other than compensation from the state), or other thing of economic value for the personal benefit of any person, which gift or loan would be considered as an inducement to neglect or improperly perform official duties or to influence official judgment. A commissioner or employee may accept services such as food and lodging when such services are provided to support and further Commission business, and when such services cannot reasonably be construed to influence the substance or manner of Commission decisions. A commissioner may accept unsolicited advertising or promotional material or items of nominal value such as momentos commemorating the issuance of Commission bonds.

Example. Underwriter X, who is under contract to provide underwriting and financial services to the Commission, hosts a seminar for a subcommittee of commissioners to discuss the structuring of future bond issues. Underwriter X rents a room to hold the seminar and

pays for a meal served prior to the seminar. The commissioners may accept such a meal and use such meeting room so long as the process for the selection of underwriters pursuant to RCW 43.180.100 is not in progress. Such expenditures by X while the selection process is underway might give rise to an appearance that such services were provided to influence the selection of underwriters.

- 2. For any matter connected with, or related to, the discharge of official duties for the Commission, no commissioner or employee shall grant special treatment or favors to any person doing business with, or associated with a person doing business with, the Commission, for the purpose of obtaining personal gain. A commissioner or Commission employee shall not use his or her status of employment and position with the Commission to gain a personal advantage for himself or any other individual in any personal financial transaction.
- 3. A commissioner or Commission employee shall not participate in any Commission decision or transaction in which the commissioner or employee, or a family member, may directly or indirectly profit, except to the extent that such commissioner or employee benefits as a member of the general public or as a member of a specific interest group related to housing construction or finance and receives the same treatment as all similarly situated persons. A commissioner may participate in a Commission decision with respect to a general method or system of financing for housing which could benefit an industry with which the commissioner has a direct or indirect financial or personal interest. A commissioner may not vote to approve a contract between the Commission and a company with which the commissioner has a financial or personal interest, but may participate in preliminary discussions or decisions with respect to which such company will be treated like all other similarly situated companies. If a commissioner does not vote under such circumstances, he shall announce for the record his reason for not voting.

The Commission may not contract with a company in which a commissioner has a personal or financial interest unless (1) that company is the only company able to provide the services required by the Commission, or (2)(a) other similarly situated and qualified companies have had the opportunity to enter into contracts with the same terms and conditions as the contract between the Commission and the commissioner's company, (b) the decision to approve the contract does not involve a discretionary decision by the Commission to choose among qualified companies, and (c) the relationship of the commissioner to such company is disclosed at the time the contract is approved by the Commission.

Example. Commissioner A is an experienced mortgage lender and is the vice president of Mortgage Lending Company X. The Commission is considering a multi-family financing program which will probably involve many lenders throughout the state, including Company X. Commissioner A may participate fully in the structuring of the financing program so long as the terms and conditions of the program apply equally to all of the eligible lending institutions in the State. Ultimately, three qualified lenders, including Company X,

seek to participate in the program and agree to sign identical contracts. Commissioner A may not vote to approve the contract with Company X because the commissioner would directly benefit and may not vote to approve the contract with the other two lenders because the commissioner may indirectly benefit from the decision. The commissioner must identify for the record that he has a potential conflict. The Commission may proceed to approve all three contracts.

- 4. A commissioner or Commission employee shall not disclose confidential information or use confidential information gained by reason of service to or employment with the Commission to further any private financial transaction.
- 5. In the event that a commissioner has been disqualified from voting on a Commission issue due to a conflict of interest, the Commission may proceed to vote on such issue unless it finds that despite such disqualification the conflict of interest would inappropriately influence its decision.
- 6. Within two years after the termination of service or employment, no commissioner or Commission employee shall request that the Commission take a discretionary action. This provision shall not prohibit a former Commissioner from becoming involved in a transaction with the Commission if he is a member of the general public or a specific interest group related to the housing construction or finance, and he receives the same treatment as all similarly situated persons. At no time following the termination of service or employment may a commissioner or Commission employee receive compensation for any services rendered on behalf of any person in relation to any case, proceeding, or application with respect to which the commissioner voted or employee personally participated during the period of the service or employment.

Example. The term of Commissioner X expires on June 1, 1985. On October 15, 1985 the Commission is requested to adopt "official action" resolutions with respect to 10 multifamily rental projects, one of which is being developed by former Commissioner X. The policy of the Commission is to adopt all "official action" resolutions requested, so it may adopt the resolution benefitting former Commissioner X. On March 1, 1986 former Commissioner X requests that the Commission engage his underwriting company to be one of four underwriters from a pool of 10 applicant underwriters. Since this request is within 2 years of his tenure as a commissioner and such Commission action requires a discretionary decision by the Commission to choose among competing underwriters, former Commissioner X must withdraw his request.

WSR 85-18-032 ADOPTED RULES **DEPARTMENT OF GAME**

(Game Commission)

[Order 262-Filed August 28, 1985]

Be it resolved by the State Game Commission, acting at the Tacoma Sheraton, 1320 Broadway Plaza, Tacoma, WA 98402, that it does adopt the annexed rules relating to:

New

WAC 232-28-409 1985-86 Upland game bird and migra-

tory waterfowl seasons.

Rep

WAC 232-28-408 1984-85 Upland game bird and migra-

tory waterfowl seasons.

This action is taken pursuant to Notice No. WSR 85-14-036 filed with the code reviser on June 27, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 19, 1985.

By Archie U. Mills Chairman, Game Commission

NEW SECTION

WAC 232-28-409 1985–86 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEA-SONS.

Reviser's note: The text and accompanying pamphlet comprising the 1985-86 Upland game bird and migratory waterfowl seasons adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-408 1984-85 Upland Game Bird and Migratory Waterfowl Seasons

> WSR 85-18-033 PROPOSED RULES DEPARTMENT OF LICENSING (Board of Practical Nursing)

> > [Filed August 28, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Practical Nursing intends to adopt, amend, or repeal rules concerning standards of conduct for discipline for licensed practical nurses, new section WAC 308-117-025;

that the agency will at 10:00 a.m., Friday, October 11, 1985, in the Windsor Room, Quality Inn, 3000 South 176th Street, Sea-Tac, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.78.050.

The specific statute these rules are intended to implement is chapter 18.78 RCW.

Dated: August 15, 1985 By: Ruth A. Jacobson Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Practical Nursing.

Purpose: To outline standards of conduct for licensed practical nurses.

Summary: Contains standards of conduct that will serve as guidelines for licensed practical nurses as to what is considered to be good licensed practical nurse practice. Violation of these standards may be grounds for action with regard to practice as a licensed practical nurse in the state of Washington.

Statutory Authority: RCW 18.78.050.

Reason Proposed: To advise individuals what is considered to be good practical nursing practice as that term is used in RCW 18.78.135(9).

Responsible Departmental Personnel: In addition to the members of the Washington State Board of Practical Nursing, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Ruth Jacobson, Board of Practical Nursing, Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504, phone (206) 753-3728 comm, (206) 234-3728 scan.

Proponents: Washington State Board of Practical Nursing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-117-025 STANDARDS OF CONDUCT FOR DISCIPLINE FOR LICENSED PRACTICAL NURSES. The standards of conduct for discipline will serve as guidelines for the licensed practical nurse as to what is considered to be good licensed practical nurse practice. Violation of these standards may be grounds for action with regard to the license to practice practical nursing pursuant to RCW 18.78.135(9). Each individual, upon entering the practice of licensed practical nursing, assumes a measure of responsibility and trust and the corresponding obligation to adhere to the standards of conduct, which include, but are not limited to the following:

- (1) The licensed practical nurse shall be responsible and accountable for his or her own nursing judgments, actions and competence.
- (2) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.
- (3) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.
- (4) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

- (5) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.
- (6) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.
- (7) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only be licensed nurses.

(8) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(9) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(10) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board.

(11) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(12) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(13) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(14) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(15) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(16) The licensed practical nurse shall not withhold or modify client care which has been authorized by an appropriate health care provider.

(17) The licensed practical nurse shall be able to refrain from giving directed client care if he or she has objection to providing that care and has given proper notification to insure client safety.

(18) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(19) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs without prior consent, nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(20) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(21) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(22) It is inconsistent with good licensed practical nursing practice to perform functions below the minimum standards of competency as expressed in WAC 308-117-400.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 85-18-034 PROPOSED RULES PUBLIC DISCLOSURE COMMISSION

[Filed August 28, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

Amd	ch. 390-28 WAC	Hardship exemptions—Hearing examiner system.
Amd	ch. 390-32 WAC	Fair campaign practices code.
Rep	WAC 390-28-010	Statement of policy.
Rep	WAC 390-28-021	Definition—Hearing officer.
Rep	WAC 390-28-030	Hearing to modify reporting-Form-
•		Right to by applicants.
Rep	WAC 390-32-040	Fair campaign practices code for state-
г		wide ballot issues;

that the agency will at 9 a.m., Tuesday, October 22, 1985, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 22, 1985.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 22, 1985.

Dated: August 28, 1985 By: Graham E. Johnson Executive Director

STATEMENT OF PURPOSE

Title: Chapter 390-28 WAC.

Description of Purpose: Clarify existing rules.

Statutory Authority: RCW 42.17.370(1).

Summary of Rule: Contains procedures for reporting modifications.

Reasons Supporting Proposed Action: Rules need clarifying.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Executive Director.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Public Disclosure Commission.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: N/A.

Title: Chapter 390-32 WAC.

Description of Purpose: Clarify existing rules.

Statutory Authority: RCW 42.17.370(1).

Summary of Rule: Contains fair campaign practices code.

Reasons Supporting Proposed Action: Rules need clarifying.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Executive Director.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Public Disclosure Commission.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: N/A.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-28-020 DEFINITION—APPLICANT. The term applicant for the purposes of chapter 390-28 WAC shall mean any ((individual, group, association or other entity)) person as defined in RCW 42.17.020(21) that seeks an ((exemption)) modification pursuant to RCW 42.17.370(9) and these ((regulations)) rules.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-28-025 HEARING TO MODIFY REPORTING REQUIREMENTS. (1) Any ((elected official or candidate or other)) person who considers compliance with any of the reporting requirements of chapter 42.17 RCW to be a manifestly unreasonable hardship in ((his)) a particular case may apply for ((an exemption from)) a modification of such reporting requirements pursuant to RCW 42.17.370(9) and further pursuant to these ((regulations)) rules.

AMENDATORY SECTION (Amending Order 80-03, filed 3/4/80)

WAC 390-28-040 HEARING TO MODIFY REPORTING—PREHEARING PROCEDURE AND REQUIREMENTS. (1) An applicant must file with the commission a written request for hearing for suspension or modification of reporting requirements. The request is to be sent far enough in advance of the date the report is due so that action on the request can be completed before the filing deadline.

(2) The request should contain ((a summary of)) (a) the required report completed to the extent possible, (b) the applicant's evidence to be submitted at the hearing, ((: In the case of a hearing to suspend or modify the reporting requirements of RCW 42.17.240, the applicant of the is a candidate for public office, shall complete the Form F-1 (reference WAC 390-24-010) to the extent possible. The applicant shall append)) (c) a statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible((:)) (A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement((:)), and (d) a proposed modification to the required reporting which, in the applicant's opinion, will relieve the perceived hardship.

(3) The filing of a request for ((exemption)) modification shall not suspend the reporting requirement of any portion of chapter 42.17 RCW. ((No such request filed later than three days prior to an applicable reporting date shall be considered: Provided, That elected public officials requesting an exemption shall file such request no later than the fifteenth day of March prior to the April reporting deadline. If an applicant does not file within these time limits, he shall be deemed to have waived any right to an exemption: Provided, That the commission upon good cause shown may grant a hearing.))

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-28-050 HEARING TO MODIFY REPORTING—ALTERNATE FORMS. (((a) An applicant pursuant to time application made according to these regulations shall have the right to a hearing before a majority of the members of the public disclosure commission. Such hearing shall be conducted pursuant to chapter 34-04 RCW, applicable regulations found in chapters 1-08 and 390-28 WAC:)) (1) The commission shall hear the request unless it chooses to have it heard by an administrative law judge.

((tb))) (2) The applicant may ((choose)) ask to ((be)) have the request heard by an ((hearing examiner)) administrative law judge ((in lieu of a hearing by the commission as a body. Such hearing shall be conducted pursuant to chapter 34.04 RCW. Procedure shall be controlled by chapter 1-08 WAC, except to the extent that chapter 390

28 WAC shall be in conflict with chapter 1-08 WAC)).

AMENDATORY SECTION (Amending Order 67, filed 1/16/76)

WAC 390-28-060 HEARING TO MODIFY REPORTING—((PROCEDURES)) ADMINISTRATIVE LAW JUDGE PROCEEDINGS. (1) The commission ((shall appoint)) may request through the Office of Administrative Hearings the appointment of an administrative law judge ((hearing officers)) to hear individual applicants. ((It shall be the duty of the hearing officer to conduct hearing officer shall have the authority, subject to other provisions of the law or regulations;

- (a) To administer oaths and affirmations:
- (b) To rule on all procedural matters, objections, and motions;
- (c) To rule on offers of proof and receive relevant evidence:
- (d) To interrogate applicants and witnesses in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the issues:
- (c) To recess or adjourn hearings, or to refer the application to the entire commission.))
- (2) After such hearing is concluded, the ((hearing officer)) administrative law judge shall prepare and distribute to the applicant and each commissioner a proposed decision determining the issue. The applicant shall have five days to file with the commission specific objections to the ((hearing officer's)) administrative law judge's proposed decision and to request an opportunity to present additional evidence to the commission. When written objections are timely filed, the commission, at the time of review and ratification, shall consider the whole record or such portions as may be cited by the ((hearing examiner)) administrative law judge, applicant or executive director. The commission may also hear additional testimony.
- (3) If the applicant files objections to the ((hearing officer's)) administrative law judge's proposed decision, the filing requirement from which the applicant has sought ((exemption)) modification shall not be suspended unless the commission, upon notice of the filing of objections, determines that a temporary suspension is justifiable pursuant to the criteria set out in RCW 42.17.370(9). Such suspension of filing requirements shall be granted only until the decision is finalized by formal action of the commission.
- (4) At the next ((regular or special)) meeting at which the matter can be lawfully considered ((by the commission under these regulations)), the commission shall review and either ratify or modify or revise the proposed order((: Provided, That if the commission's order on review is adverse to the applicant, the proceedings shall be governed by RCW 34.04.110)).

AMENDATORY SECTION (Amending Order 64, filed 11/25/75)

WAC 390-28-070 HEARING TO MODIFY REPORTING—BY AFFIDAVIT OR SWORN STATEMENT. (1) An applicant may choose to waive a((n)) personal appearance at a hearing conducted pursuant to chapter 390-28 WAC. ((The applicant may request a hearing before the entire commission or before a hearing officer as established by this chapter.

(2))) In the event that an applicant chooses to waive such appearance, he shall submit ((to the commission, or its designee,)) a written, sworn statement setting out in detail the rationale for requesting ((exemption)) modification or suspension.

(2) (((3))) The commission, or ((its designee)) the administrative law judge, shall proceed to decide the application in the same manner as if an appearance were made: Provided, That in the event the commission or ((its designee)) the administrative law judge is not able to reach a conclusion on the ((application)) request because of an insufficiency of the evidence, it may adjourn the hearing for the purposes of gathering further evidence, or it may deny the application. ((Temporary suspension of reporting requirements may be granted as provided in WAC 390-28-060(3))).

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-28-080 HEARING TO MODIFY REPORTING—EVIDENCE, RECORD, ADVERSE DECISIONS. (1) ((The commission, or its designee shall be guided in its deliberations by WAC 390-28-090 and 390-28-100, setting out required findings and prima facie qualifications, RCW 42.17.370(9), and the past proceedings of the commission.

- (2))) All evidence presented at hearings of the commission held pursuant to chapter 390-28 WAC and RCW 42.17.370(9) shall be considered to be a public record: Provided, That the commission may close the hearing and hold an executive session ((pursuant to RCW 42.30.140)) if it finds that ((an executive session)) it is necessary to allow the applicant to provide enough evidence to assure that proper findings are made. All evidence presented at any portion of a ((meeting)) hearing held in executive session identifying the matters for which the applicant requests ((exemption)) modification under these ((regulations)) rules shall be considered and held confidential by the commission unless otherwise ordered by a court of competent jurisdiction((: Provided, That evidence presented at a public hearing shall not be considered confidential)). In the event that an ((hearing examiner)) administrative law judge determines that ((an executive session)) testimony in private may be necessary, ((he)) the judge shall immediately adjourn the hearing and ((certify the cause)) refer the matter to the commission ((for hearing)).
- (2) (((3))) Any decision or order adverse to an applicant rendered by the commission or ((its designee)) administrative law judge shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-28-090 HEARING TO MODIFY REPORTING—REQUIRED FINDINGS. The commission, after hearing as provided in these ((regulations)) rules, may suspend the applicable reporting requirement of chapter 42.17 RCW if it finds that the literal application of such requirement works a manifestly unreasonable hardship in the case under consideration and if it also finds that such suspension or modification will not frustrate the purposes of the act. The commission shall suspend or modify such reporting requirement or requirements only to the extent necessary to substantially relieve such hardship, and only upon clear and convincing proof to support such claim.

AMENDATORY SECTION (Amending Order 80-02, filed 1/24/80)

WAC 390-28-100 REPORTING MODIFICATIONS—POSSI-BLE QUALIFICATIONS. The following, or any of them, may be considered possible qualifications for a reporting modification: ((under RCW 42.17.370(9) pursuant to these regulations.))

- (a) Reporting any financial interest, otherwise required to be reported by RCW ((42.17.240)) 42.17.241 (1)(b) of said act, if the financial institution or other entity in which the candidate or official having such interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by such candidate or elected official, and provided that such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest.
- (b) Reporting any of the information required by RCW ((42.17-240)) 42.17.241 (1)(f) and (g), if public disclosure would violate any legally recognizable confidential relationship: Provided, The information in question does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by such candidate or elected official in whole or in part: And provided further, That such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the performance of the duties of the office sought or held, in the public interest.
- (c) Reporting any of the information required by RCW ((42.17-240)) 42.17.241 for members of the immediate family of a candidate or elected official, if such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status and such financial interest does not constitute a present or prospective source of income to such candidate or elected official or to any other person who is dependent upon such candidate or elected official for support in whole or in part.
- (d) Reporting any other matter which would constitute an unreasonable hardship in a given case, when the matter reported would not indicate any actual or potential conflict with the proper performance of the duties of the office sought or held in the public interest.

AMENDATORY SECTION (Amending Order 93, filed 8/26/77)

WAC 390-32-010 FAIR CAMPAIGN PRACTICES CODE FOR CANDIDATES AND LOCAL BALLOT ISSUES. Pursuant to the provisions of RCW 42.17.370 (1) and (6) the public disclosure commission adopts this Fair Campaign Practices Code:

(1) I shall conduct my campaign, and to the extent reasonably possible shall insist that my supporters conduct themselves, in a manner consistent with the best American tradition, discussing the issues and presenting my record and policies with sincerity and candor.

(2) I shall uphold the right of every qualified voter to free and equal

participation in the election process.

(3) I shall not participate in, and I shall condemn, personal vilification, defamation, and other attacks on any opposing candidate or party which I do not believe to be truthful, provable, and relevant to my campaign.

(4) I shall not use or authorize, and I shall condemn material relating to my campaign which falsifies, misrepresents, or distorts the facts, including but not limited to malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

(5) I shall not appeal to, and I shall condemn appeals to, prejudices

based on race, creed, sex or national origin.

- (6) I shall not practice, and I shall condemn practices, which tend to corrupt or undermine the system of free election or which hamper or prevent the free expression of the will of the voters.
- (7) I shall promptly and publicly repudiate the support of any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent(s) to methods in violation of the letter or spirit of this code.
- (8) I shall refrain from any misuse of the Public Disclosure Law, chapter 42.17 RCW to gain political advantage for myself or any other candidate.

Reviser's note: No amendments were proposed in the above section. The section is shown exactly as filed by the agency pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 93, filed 8/26/77)

WAC 390-32-020 FILING—FAIR CAMPAIGN PRACTICES CODE. (1) A copy of the code provided in WAC 390-32-010 ((and WAC 390-32-040)) shall be printed in appropriate campaign reporting instructions made available to candidates and political committees.

- (2) The PDC Form C-1 registration statement for candidates and political committees shall contain a section wherein the candidate or committee treasurer may indicate ((his)) an intent to either voluntarily subscribe to the code or not to subscribe to all or a part of the code.
- (3) Neither failure to subscribe to the code nor to complete that section of the C-1 registration statement pertaining to the code shall constitute a violation of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 93, filed 8/26/77)

WAC 390-32-030 COMPLAINTS—FAIR CAMPAIGN PRACTICES CODE. (1) Written and signed complaints alleging a violation of one or more specific provisions of the Fair Campaign Practices Code for candidates and local ballot issues (WAC 390-32-010) ((or the Fair Campaign Practices Code for state-wide ballot issues (WAC 390-32-040))) may be submitted to the public disclosure commission by any person.

(2) Upon receipt of a complaint, the commission ((administrator)) executive director shall forward a copy of the complaint to the complainee within 24 hours, accompanied by a request for a response to the complaint returned within 5 days from the date of mailing.

- (3) Upon receipt of the complainee's response, the commission ((administrator)) executive director shall forward a copy to the complainant. A copy of the complaint and the response shall be sent to news media. The complaint and the response shall be available at the commission office for public inspection and copying. If the complainee does not respond within 5 days, the complaint shall be made public without a response.
- (4) The commission will make no attempt to secure a reply to and will make no public release of complaints received within 8 days of an election
- (5) The commission will not issue comments or opinions about complaints or responses.

(6) In the absence of any contrary intention as expressed by the complainant, the filing of a complaint with the commission constitutes implied consent to have the complainant's identity disclosed.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 390-28-010 Statement of policy

WAC 390-28-021 Definition-Hearing officer

WAC 390-28-030 Hearing to modify reporting—Form—Right to by applicants

WAC 390-32-040 Fair Campaign Practices Code for state-wide ballot issues

WSR 85-18-035 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-115—Filed August 29, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available, and this rule is adopted at the recommendation of the Columbia River Compact Commission.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 28, 1985.

By William R. Wilkerson

Director

NEW SECTION

WAC 220-32-051000Q SEASONS—SALMON. Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, it is unlawful for any person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:

Immediately to Noon August 28, 1985 Noon August 29 to Noon September 3, 1985 Noon September 6 to Noon September 11, 1985 Noon September 14 to Noon September 18, 1985 Noon September 20 to Noon September 24, 1985

All closures in WAC 220-32-058 remain in effect except the closure at the mouth of Spring Creek is limited to a closure within a 150 foot radius of the fish ladder at the mouth of Spring Creek. The 300 foot net length restriction does not apply to this fishery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100P SEASONS—SALMON. (85-114)

WSR 85-18-036 PROPOSED RULES DEPARTMENT OF VETERANS AFFAIRS

[Filed August 29, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Veterans Affairs intends to adopt, amend, or repeal rules concerning the Washington veterans home and the Washington soldiers home and colony.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1985.

The authority under which these rules are proposed is RCW 43.60A.070.

The specific statute these rules are intended to implement is RCW 72.36.030, 72.36.080 - 72.36.120 - 72.36.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-15-088 filed with the code reviser's office on July 23, 1985.

Dated: August 28, 1985 By: John A. Reynolds Assistant Director

WSR 85-18-037 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-116—Filed August 29, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that

observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted in conformance with the Pacific Fisheries Management Council recommendations as modified to prevent overharvest of chinook and coho salmon allocations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 29, 1985.

By William R. Wilkerson Director

NEW SECTION

WAC 220-56-19000V SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Washington waters at the mouth of the Columbia River west of a line projected north-south through Buoy 10, and Strait of Juan de Fuca waters westerly of a line projected true north from the mouth of the Sekiu River except as provided for in this section:

- (1) Those waters westerly of the mouth of the Sekiu River and northerly of a line projected true west from the mouth of Queets River: Open to salmon fishing until 11:59 p.m. August 29, 1985, closed from 12:01 a.m. August 30 through 11:59 p.m. August 31, 1985, and open 12:01 a.m. through 11:59 p.m. September 1, 1985, except closed to salmon fishing within an area bounded by a line projected from the shoreline one mile due north from the mouth of the Sekiu River, thence westerly meandering one mile off shore to a point one mile due west of Cape Flattery, thence southerly in a straight line to the Umatilla Reef Light, thence due east to shore. Special bag limit of two salmon daily, except is is unlawful to retain or possess chinook salmon and all chinook salmon must be returned to the water immediately. Minimum size 16 inches for coho salmon.
- (2) Those waters southerly of a line projected true west from the mouth of the Queets River, northerly of a line projected true west from Leadbetter Point and westerly of the territorial sea boundary referenced on Chart 18500, 21st ed., Dept. Commerce, NOAA, National Ocean Survey (outside three miles): Open to salmon fishing until 11:59 p.m. September 19, 1985: Bag limit F.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000U SALTWATER SEASONS AND BAG LIMITS—SALMON. (85-105)

WSR 85-18-038 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 30, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

Amd WAC 296-04-005 Apprenticeship and training agreements—Proposed standards.

Amd WAC 296-04-040 Council meetings—When held—Notice—Who may attend—Quorum.

Amd WAC 296-04-060 Officers, appointment, duties—Ex officio members;

that the agency will at 9:30 a.m., Wednesday, October 16, 1985, in the Ridpath Hotel and Motor Inn, Legend Room A, West 515 Sprague, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, October 25, 1985, at 2:00 p.m. on the Third Floor of the General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.04.010 and 34.04.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 16, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in the notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Donald M. Anderson Assistant Director ESAC Division, Apprenticeship Section General Administration Building Olympia, Washington 98504 (206) 753-3487

> By R. A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-04 WAC, Internal rules, includes WAC 296-04-005 Apprenticeship and training agreements—Proposed standards; 296-04-040 Council meetings—When held—Notice—Who may attend—Quorum; and 296-04-060 Officers, appointment, duties—Ex officio members.

Statutory Authority: RCW 49.04.010 and 34.04.025. Specific Statute that Rule is Intended to Implement: RCW 49.04.030.

Summary of the Rule(s): WAC 296-04-005 is amended to extend the cut-off date for submitting petitions to the council from 30 days to 45 days, thus allowing additional time to prepare for council meetings. Identifying the types of changes and the method by which changes will be accepted during council deliberations; 296-04-040 is amended to correct errors and omissions contained in a previous filing, extends the cut-off date to 45 days, and sets a beginning day for council meetings; and 296-04-060 is amended to set forth council policy regarding the distribution of council meeting minutes.

Reasons Supporting the Proposed Rule(s): WAC 296-04-005, the previous 30-day cut-off period did not provide sufficient time for preparation and review of all agenda items prior to the actual meeting of the council. Due to numerous requests for changes in material previously submitted for council review, it has become necessary to establish a rule regarding acceptability of such requested changes; 296-04-040, to correct errors and omissions contained in a previous filing with the code reviser; extends the cut-off date to 45 days; and sets a beginning day for council meetings, which will accommodate the possibility of conducting all business during a one-day meeting; and 296-04-060, to reduce costs of printing and mailing the minutes of meetings by requiring interested persons to request the minutes in writing rather than the previous practice of distribution by way of an extensive mailing list.

Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Donald M. Anderson, Assistant Director, Employment Standards/Apprenticeship/Crime Victims Division, 605 11th Avenue S.E., Olympia, Washington, (206) 753-3487.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are rules that will enable the Department of Labor and Industries to continue to administer chapter 49-.04 RCW.

The rule is not necessary to comply with a federal law or a federal or state court decision.

The department has considered the economic impact on small businesses pursuant to the Regulatory Fairness Act of 1982 and determined that it does not apply in this instance. Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

AMENDATORY SECTION (Amending Order 80-2, filed February 2, 1980 [2/8/80])

WAC 296-04-005 APPRENTICESHIP AND TRAINING AGREEMENTS—PROPOSED STANDARDS. The Washington state apprenticeship and training council is the body responsible for matters concerning apprenticeship and training in the state of Washington. The principal function of the council is to approve and register apprenticeship and training agreements. Persons or organizations desiring to institute an apprenticeship or training program must first prepare proposed standards which conform to these rules and to RCW 49.04.050. The standards must also include the composition of and general rules for the committee which will administer the program. The supervisor, or Washington state apprenticeship coordinators, are available to give assistance in this task.

These standards, which will be either a plant program or committee program as defined herein, must then be presented to the supervisor at least ((30)) 45 days before the regular meeting at which the council will be requested to consider such proposed standards. The standards proposed will then be discussed by the council and approved, disapproved, or approved subject to enumerated changes. ((Minor changes may be made at the council meeting if authorized representatives of all concerned are present and authorized to accept changes.)) The council, at its meetings, will allow changes made for clerical errors and additions of standard approved language deleted from the proposed standard if authorized representatives of all concerned are present and authorized to accept changes. The council will nt accept changes at its meetings in the format or language not deemed standard by the council.

The committee thus set up then begins functioning. Its duties are to run the day to day operations of the apprenticeship and training program. It is charged with operating the program in accordance with the standards as approved by the council. It is charged with accepting or rejecting applicants for apprenticeship or training, registering accepted applicants as apprentices or trainees with the supervisor of apprenticeship and training, removing apprentices or trainees from the program in accordance with the standards and informing the supervisor of any matters which affect the standing of individuals as apprentices or trainees. Persons not registered with the supervisor as apprentices or trainees cannot be recognized as apprentices or trainees by the council.

The supervisor and his staff may be consulted on any matters concerning apprenticeship and training, and they will provide any information concerning apprenticeship training which is available to them. They are also required to investigate any discrepancies between the actual and required operation of any program and conduct systematic reviews of the operation of all programs. The supervisor may recommend cancellation of any program which is not operated in accordance with its approved standards after notice of violation is given in accordance with the provisions of WAC 296-04-270(3).

The supervisor and the council will act to assist in the resolution of any complaints against local committees, or other organizations administering apprenticeship agreements, by any apprentices who have completed their probationary period, as provided in WAC 296-04-295.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 79-3, filed February 22, 1979)

WAC 296-04-040 COUNCIL MEETINGS—WHEN HELD—NOTICE—WHO MAY ATTEND—QUORUM. Council meetings shall be of two kinds—(({business})) (({regular})) regular and special meetings.

(1) (([BUSINESS])) (([REGULAR])) REGULAR MEETINGS. (([Business])) (([regular])) Regular meetings of the council shall be held at least quarterly during each year beginning on the third Thursday ((and Friday)) of the months of January, April, July and October. Such (([business])) (([regular])) regular meetings shall be held at

such locations within the state of Washington which in the opinion of the council will best promote the purposes of the Washington State Apprenticeship and Training Act. All meetings of the council shall be open to the general public, and all actions, transaction of official business of the council, collective decision, commitment or promise, and all collective discussion, acquisition and exchange of facts in the course of deliberation prior to any action of the council shall only be made in meetings open to the public consistent with the provisions of the Open Public Meetings Act of]971 (chapter 250, Laws of]971 1]st ex. sess.) and chapter 34.04 RCW. No member of the general public will be required as a condition upon attending any council meeting to register his name or give any other information or to fulfill any condition precedent to his attendance at council meetings. Notice of such meetings shall be given to all approved committees and may be given to any persons, organizations, or agencies at the direction of the council, or any member thereof, and in addition shall be given to any newspaper, news service, television or radio station which has requested to be notified of council meetings. Committee programs, plant programs, or amendments thereto, may be approved or disapproved only at ((fbusiness])) (([regular])) regular meetings.

(2) SPECIAL MEETINGS. Special meetings of the council may be called by the chairman or by majority of the council members by delivering personally or by mail((1,1)) written notice to each member of the council($(\frac{1}{1})$) and all approved joint apprenticeship and training committees(([-])) and to each newspaper of general circulation, television or radio station(({;,})) which has on file with the council or the supervisor($(\frac{1}{1})$) a request to be notified of such special meeting of the council(((1,7)), which shall be ineffective unless it sets forth the date, time and location of the meeting($(\frac{1}{1})$) and specifies the business to be transacted by the council at such special meeting((fs1)). Final disposition may not be made of any matter at such special meeting other than specified in the notice of such special meeting. Special meetings shall be open to the general public to the same extent $((\frac{at}{at}))$ $((\frac{at}{at}))$ as the quarterly (([business])) (([regular])) regular meetings of the council. Notice of special meetings must be delivered personally or by mail at least twenty-four hours before the time specified in the notice of such special meeting(([-])), except in the case of rule changes pursuant to chapter 34.04 RCW which must be at least 20 days before the time specified in the notice.

(3) NOTICE OF COUNCIL MEETINGS. Notice of each quarterly (({business})) (({regular})) regular meeting of the council shall be given to all council members by the supervisor at least 20 days before the date set for the meeting and in addition shall give notice to such other persons and organizations as specified in subsection (1) of this section.

(4) NOTICE OF SPECIAL MEETINGS OF THE APPRENTICESHIP COUNCIL. Notice of special meetings of the council may be given by the supervisor at the request of the chairman or the majority of the members of the council in the manner and form specified in subsection (2) of this section. If such notices are not given, no action taken by the council shall be effective at such meetings unless each regular council member at such meeting, or prior thereto, gives a written waiver of notice of such meeting to be filed by the supervisor and the notice shall be deemed to be waived by any member who is present at the meeting at the time it convenes. PROVIDED, That rule change may not be made at such special meeting unless the requirements of chapter 34.04 RCW have been complied with.

(5) SUBMISSION OF PETITIONS OR REQUESTS. The council will not act upon any petition or request which is addressed to the council unless such a petition or request is submitted in writing((\(\frac{1}{1}\)\)) to the supervisor at least ((\(\frac{30}\)\)) \(\frac{45}{2}\) days prior to the date of such quarterly ((\(\frac{1}{2}\)\)bigonia is submitted ((\(\frac{30}\)\)) \(\frac{45}{2}\) days prior to such quarterly intense or requests not submitted ((\(\frac{30}\)\)) \(\frac{45}{2}\) days prior to such quarterly meeting shall be deferred to the next quarterly ((\(\frac{1}{2}\)\)bigonia is not tified by the supervisor.

(6) TIE VOTE. When a tie vote occurs on an issue before the council, the impasse will be resolved by the following procedure:

(a) The chairman, vice chairman, and supervisor (assistant director for apprenticeship) shall meet and develop a recommendation to resolve the issue, reporting the outcome of such meeting to the council prior to adjournment.

(b) If the issue remains unresolved, the council shall instruct the supervisor (assistant director for apprenticeship) to request the intervention of the director of the department of labor and industries. If, in the opinion of the director, the issue warrants his intervention, the director shall review the matter and submit to the council a recommended resolution for consideration at a special meeting or the next regular meeting, at which time the council shall resolve the issue.

(7) QUORUM. Two-thirds of the council members entitled to vote shall be considered a quorum.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 76-4, filed February 20, 1976)

WAC 296-04-060 OFFICERS, APPOINTMENT, DUTIES—EX OFFICIO MEMBERS. The officers of the council shall be a chairman, vice chairman, and secretary.

(1) Chairman and vice chairman.

(a) The chairman and vice chairman shall be elected by majority vote of the council members present and voting at the quarterly business meeting nearest to the month of June in each odd-numbered year. They shall hold office for a term of two years and until their successors are elected, or until their death or resignation.

(b) The chairman shall preside over all meetings, conducting them in accordance with Robert's Rules of Order as modified by these rules and regulations. He may vote in all matters before the council as a regular member and may participate in discussion of all matters before the council. He shall have such other powers and duties as are now or hereafter provided in these rules and regulations and as are usual or necessary to chairmen, as provided in Robert's Rules of Order.

(c) The vice chairman shall preside over all council meetings in the absence of the chairman. He shall have all of the powers and duties of

chairman when he is so presiding.

(2) Secretary:

(a) The supervisor shall be the secretary of the council. He shall hold the office of secretary during his tenure as supervisor.

- (b) The secretary shall, with the assistance of a recording secretary, keep minutes of all special and regular meetings. He shall keep a copy of the minutes of all regular and special meetings on file in his office as supervisor. He shall forward copies of minutes of all meetings to all regular and ex officio members of the council and shall make copies of the minutes of all meetings available to the public upon written request. He shall have other powers and duties as are provided in these rules and regulations and as are usually or necessarily concomitant with the office of secretary.
- (3) Ex officio members of the council shall have the full right to participate in discussion of any matters before the council. They shall have no vote.

WSR 85-18-039 EMERGENCY RULES DEPARTMENT OF NATURAL RESOURCES

[Order 467—Filed August 30, 1985]

- I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule regulating burning on lands protected by the Department of Natural Resources.
- I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to existing fire conditions in Eastern Washington and the lack of adequate resources to

take suppression action on wildfires, it is necessary to regulate the use of fire to protect life and property.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1985.

By Brian J. Boyle Commissioner of Public Lands

NEW SECTION

WAC 332-26-092 CANCELLATION OF BURN-ING PERMITS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES. Effective midnight Friday, August 30, 1985, through midnight Tuesday, September 3, 1985, all burning permits on lands protected by the Department of Natural Resources are cancelled.

WSR 85-18-040 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed August 30, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning medical care services (GAU), amending WAC 388-86-120;

that the agency will at 10:00 a.m., Wednesday, October 9, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 16,

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director Division of Administration and Personnel Department of Social and Health Services Mailstop OB 14 Olympia, WA 98504 Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by September 25, 1985. The meeting site is in a location which is barrier free.

Dated: August 30, 1985

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: Amending WAC 388-86-120.

Purpose of the Rule Change: To establish that present policy conforms to the Community Mental Health Act and to chapter 388-91 WAC.

Reason the Rule Change is Necessary: The present regulations do not clearly state the present policy.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Recipients of continuing general assistance (GAU) must meet the client definitions and priorities established by the Community Mental Health Act in order to receive mental health services. GAU recipients do not have a special limitation for prescribed drugs.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 2084, filed 3/14/84)

WAC 388-86-120 MEDICAL CARE SERVICES (GAU). A recipient of a continuing general assistance grant is eligible to receive the same scope of care (WAC 388-86-005) as a recipient of Medicaid, except that no care will be provided outside the state of Washington other than in designated bordering cities as specified in chapter 388-82 WAC, and shall be subject to the following additional limitations.

(1) ((Prescribed drugs are limited to specific therapeutic classifications. Lists are published through the Drug Formulary and/or official memoranda.

(2))) Mental health services will be provided only in community mental health centers and to the extent that the recipient meets the client definitions and priorities established in the Community Mental Health Act.

(((3))) (2) Eligibility for medical care services shall commence with the date of certification for general assistance. There shall not be retroactive certification for medical care received prior to the initial date of eligibility for the general assistance program.

WSR 85-18-041 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2275A—Filed August 30, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC—Eligibility, amending chapter 388-24 WAC.

This action is taken pursuant to Notice No. WSR 85-16-041 filed with the code reviser on July 31, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 30, 1985.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELI-GIBILITY CONDITIONS. Effective ((August 23, 1983)) September 1, 1985, AFDC shall be granted in behalf of a needy child:

(1) Who is under the age of eighteen years;

- (a) AFDC may be granted ((on behalf of an unborn child)) to a pregnant woman with no other children, provided there is medical confirmation the ((mother)) pregnant woman is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner confirming pregnancy and the expected date of birth.
- (b) AFDC shall be continued through the month the child reaches the maximum age.
- (2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington see WAC 388-26-055 through 388-26-105;
- (3) Who is deprived of parental care and support because of death, continued absence, unemployment, or incapacity of a parent or stepparent - see WAC 388-24-055 through 388-24-074. A parent is a person acknowledging parentage and meeting the criteria in the Uniform Parentage Act (chapter 26.26 RCW) or a person whose parentage has been established by court order. For the purpose of determining eligibility for AFDC, a person not married to the child's parent when the child was born, or whose parentage has not been established by court order, shall be considered a parent only for periods beginning on or after the date the department documents the person acknowledges parentage and meets the criteria of the Uniform Parentage Act. If parentage is contested, a court order will be required to determine parentage. If unemployment of a parent or stepparent is the basis of deprivation, all provisions of WAC 388-24-074 apply;
- (4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC ((388-24-065(12))) 388-24-065(11);

- (5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or
- (b) Who, as a result of judicial action, was removed from his or her home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;
- (6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;
- (7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;
- (8) Who is in financial need see chapters 388-28 and 388-33 WAC:
- (9) Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached; except, the school or training requirement shall not apply to an unmarried parent eighteen years of age and under nineteen years of age when such parent and his or her child live in the home of such parent's parent or legal guardian. Such parents shall be included in an assistance unit as a needy child under rules applicable to minor parents in WAC 388-24-050(3) without regard to school or training attendance.
- (10) ((The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children.
- (11))) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. Effective ((August 23, 1983)) September 1, 1985, AFDC is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of ((persons)) certain individuals residing together ((as follows:)).

- (1) Certain individuals, if living in the family home, must be included in a single assistance unit ((shall be established)) for determination of eligibility and payment amount; such individuals, except as provided in WAC 388-28-590, shall be included in the assistance unit regardless of their income or resources, and shall be excluded only if ineligible due to factors not related to need. Such ineligible individuals include, but are not limited to:
 - (a) Recipients of SSI benefits;
- (b) Aliens not meeting the citizenship and alienage requirements as specified in WAC 388-26-120; and

- (c) Individuals under sanction for noncooperation with the work incentive or employment and training programs as provided in WAC 388-24-107, or with child support enforcement as provided in WAC 388-24-108 and 388-24-109.
- (2) The following individuals, under the conditions specified in subsection (1) of this section, if living in the home, must be included in a single assistance unit:
- (a) The ((eligible)) child or children, including all natural or adoptive full or half brothers or half sisters of such child or children; and
- (((ii))) (b) The ((eligible)) natural ((parent)) or ((parents, if married, or paternity has been established by a court order (this includes a paternity and consent affidavit notarized and filed with vital statistics for uncontested cases),)) adoptive parent or parents, or stepparent or stepparents((;)). A minor parent must be included in the same assistance unit as such minor parent's eligible child or children.
- (((ii))) (3) ((In lieu of a parent,)) The following individuals, if living in the family home, may be included in a single assistance unit with the eligible child or children at the option of the family:
- (a) One needy relative caretaker of specified degree ((with whom the child or children live and)) whose eligibility depends solely on caring for the child or children((:)), if a parent or parents do not reside in the family home;
- (b) The ((eligible child or children and one parent, if both natural, unmarried parents are living together, but paternity has not been established by a court order (see subsection (1)(a)(i) of this section))) stepbrothers or stepsisters of a child or children included in the assistance unit; except a stepbrother or stepsister must be included in the assistance unit as specified in subsection (1) of this section if the assistance unit includes such stepchild's natural or adoptive full or half brother or half sister.
- (c) The natural or adoptive parent or parents or stepparent or stepparents of a minor parent, including a parent eighteen years of age and under nineteen years of age as specified in WAC 388-24-040(9), shall have the option of not being included in the assistance unit of the minor parent and minor parent's eligible child; except a minor parent's parent or stepparent shall be included in a single assistance unit with the minor parent and the minor parent's child when the following conditions are met:
- (i) The minor parent's parent or stepparent requests assistance as the needy caretaker relative of the minor parent, or the minor parent's child, or the minor parent's full or half brother or half sister; and
- (ii) The minor parent is not legally married or has been married and the marriage has been annulled. If a minor parent is legally married, including a minor parent whose marriage has been dissolved due to legal action other than annulment, a separate assistance unit shall be established to include the minor parent, such minor's child, and such minor's spouse if living in the home; and
- (iii) The other parent of the minor parent's child does not live in the home. If the other parent lives in the

home, a separate assistance unit shall be established to include the minor parent, the other parent, and their child. If the separate assistance unit is ineligible due to factors not related to need, and the minor parent is not married, the minor parent must be included as a needy child in the assistance unit of his or her parent or stepparent requesting assistance as specified in subsection (3)(c)(i) of this section.

- (4) A single assistance unit shall also be established for:
- (((c))) (a) Only the eligible child or children, including siblings and half-siblings, when:
- (i) The child or children's parent or parents ((is)) are not eligible; or
- (ii) The child or children live with a nonneedy relative of specified degree not legally responsible for the support of the child or children; or
- (iii) The child or children live with a needy ((nonresponsible)) relative of specified degree receiving SSI; or
- (iv) The child or children are ((a)) recipients of AFDC-FC.
- (((d))) (b) Only the eligible parent or parents, or needy caretaker relative of specified degree, when the only child, or all the children, has been deleted from the grant because of receiving income from SSI.
- (((e))) (c) Only the ((eligible parent or parents when the only child is unborn)) woman in her third trimester of pregnancy and has no other child or children.
 - $((\frac{2}{2}))$ (5) Two assistance units are necessary when:
- (a) The responsible relative must temporarily reside apart from his or her family to secure training in accordance with an approved plan. Refer to WAC 388-24-125;
- (i) One assistance unit is maintained for the family members in the home; and
- (ii) A separate assistance unit is established for the relative in training.
- (b) The child or children live with a nonresponsible relative of specified degree who is a member of another assistance unit.
- (((3))) (6) Two or more assistance units are necessary when two or more persons not married to each other each has his or her own child or children, and there is no child in common; a separate assistance unit is established for each parent and his or her eligible child or children.
- $((\frac{4}{)})$ (7) When a relative of specified degree is eligible to receive assistance for two or more children for whom he or she is not legally responsible:
- (a) One assistance unit is established for each group of children who are siblings; and
- (b) A separate assistance unit or units is established for each of the other nonsibling children, except if a nonsibling child is the child of a minor parent and the minor parent lives in the home, such child shall be included in an assistance unit as specified in subsections (2) and (3) of this section.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1501, filed 5/22/80)

WAC 388-24-052 PROVISION OF SOCIAL SE-CURITY NUMBERS. (1) As a condition of eligibility each applicant for or recipient of assistance shall be required to:

- (a) Furnish a Social Security number for all persons whose needs are considered in determining the amount of assistance, or
- (b) Apply for Social Security numbers if they are unknown or have not been issued.
- (2) The applicant/recipient has the responsibility to report promptly and accurately any new Social Security number within twenty days of its receipt per WAC 388-38-255.
- (3) Assistance will not be denied, delayed, or terminated pending issuance of Social Security numbers if the applicant/recipient provides verification that ((he/she)) he or she has met the requirement in ((subdivision)) subsection (1)(b) ((or that he/she has attempted to apply, but the application was refused because he/she could not furnish the verification required by the Social Security administration or recipient)) of this section.
- (4) If the applicant or recipient fails ((or refuses)) to comply with the requirement to furnish or apply for Social Security numbers for each person included in the assistance unit, eligibility for such ((person(s))) person or persons cannot be determined and they shall be excluded from the assistance unit.
- (5) The department shall assist the applicant in obtaining a Social Security number by referring him or her to the nearest Social Security office and by furnishing to the client from department records any verification requested by the Social Security administration.
- (6) These rules shall be effective ((April 1, 1980)) September 1, 1985.

AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-055 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR—DEPRIVATION OF PARENTAL SUPPORT OR CARE. Effective ((August 23, 1983)) September 1, 1985:

- (1) "Parent" as used in this and following sections means a natural or adoptive parent or stepparent. A parent—child relationship is considered to exist if the criteria in the Uniform Parentage Act (chapter 26.26 RCW) are met and the parents are acknowledging parentage. If parentage is contested, it can only be determined by a court of law.
- (a) An adoptive parent has the same rights and responsibilities as a natural parent in respect to the adopted child.
- (b) A stepparent, legally married to a child's parent has the same rights and responsibilities as a natural parent for the care and support of his or her stepchild. See WAC 388-28-350.
- (2) A child deprived of parental support or care may or may not be in financial need. Need is a factor to be determined separately.

- (3) Deprivation of a child of unmarried parents ((when paternity has been established by a court order (see WAC 388-24-050 (1)(a)(i))))) is determined on the same basis as a child of married parents.
- (4) A child living with a parent and ((an individual assuming the role of spouse of the parent)) a nonrelated adult is deprived because of the absence or death of the other natural or adoptive parent. The responsibility of the ((presumptive spouse)) nonrelated adult to support the child is a financial need factor only see WAC 388–28–355. Also see WAC 388–24–108 through 388–24–114 in respect to support from the absent parent.

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR—DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. Effective ((August 23, 1983)) September 1, 1985:

- (1) Determination whether a child has been deprived of parental support or care is made in relation to a child's natural parent or parents, ((if married, or paternity has been established by a court order)) as defined in WAC 388-24-040(3), adoptive parent, or stepparent((; and)). The term parent as used in this section refers to any of those relationships.
- (2) Continued absence of a parent from the home, whether or not the natural parents have taken legal action to separate or to dissolve or annul the marriage, establishes deprivation of parental support or care when:
- (a) The parent is living out of the home in which the child resides, and
- (b) The nature of the absence interrupts or terminates the parent's functioning as a provider of either maintenance, physical care, or guidance for the child, and
- (c) The known or indefinite duration of the absence precludes counting on the parent's performance of his or her function in planning for the present support or care of the child.
- (3) ((Absence from the home is considered as "being continued" when the situation has, or is likely to have, a degree of permanency in contrast to a purely temporary disruption of family life. The following are examples of situations considered to meet this requirement:
 - (a) Absence as the result of legal action;
- (i) The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a petition has been filed requesting dissolution of the marriage because the marriage is irretrievably broken; or a separation contract has been filed with the court containing provisions for maintenance, property disposition, custody of children, support, and visitation; or a written separation contract has been published in a legal newspaper, in lieu of a court decree.
- (ii) Absence due to divorce is overcome by remarriage of the child's natural or adoptive parent with whom he or she lives.
- (iii) If the natural or adoptive parents, in spite of the legal action, resume living together, there is no longer deprivation on the basis of absence.

- (b) Absence due to separation, desertion, or abandonment:
- (i) There is a clear disassociation of one or both parents from their normal family relationship:
- (ii) If the separation, desertion, or abandonment has existed at least thirty days prior to application and there is no indication the absence will not continue, deprivation is considered established.
- (iii) Deprivation may be established if the absence has existed for less than thirty days prior to application only when there is sufficient information as determined by the CSO showing the absence can be expected to continue: The type of information and basis of determination must be documented in the case record)) When the continued absence of a parent as specified in subsection (2)(a) of this section is established, it is assumed that one or more of the elements of parental functioning as specified in subsection (2)(b) of this section are interrupted sufficiently to establish deprivation. The interruption of such parental functioning is assumed even though the parent whose absence is established is in contact with the child due to court ordered visitation, joint custody, or otherwise. The assumption parental functioning is interrupted can be rebutted only if the absent parent routinely visits the child, and there is clear evidence the absent parent provides all elements of parental functioning with no interruption of such functioning attributable to the absence. Documentation of any reduction of one or more of the elements of parental care due to the absence shall establish deprivation. For the purpose of determining whether parental functioning is interrupted due to the absence in such cases, the following definitions apply:
- (a) "Maintenance" means either financial support paid directly to the child's household or substantial inkind contributions of food, clothing, and other necessities, and the value of such support payments or contributions, when considered separately or in any combination, is sufficient to meet the prorated share of the child's monthly need based on the need standard for the number of persons in the child's assistance unit as specified in WAC 388-29-100.
- (b) "Physical care" means providing continuous care of the child on a day-to-day basis by performing tasks required in the child's daily life. Such tasks include, but are not limited to, depending upon the age of the child: Providing clean clothing, dressing, preparing meals, feeding, supervising bedtime, and assisting with other personal care needs.
- (c) "Guidance" means day-to-day parental participation in and responsibility for the child's physical, emotional, and intellectual development. Such participation includes, but is not limited to, depending upon the age of the child: Accompanying to doctor visits, attending school conferences, disciplining, and participating in decisions concerning the child's well-being and extracurricular activities.
- (4) The requirements for establishing deprivation due to continued absence in subsections (2) and (3) of this section are applicable regardless of:
- (a) The reason for the parent's absence; except that a parent whose absence is due solely to serving on active

duty in the uniformed military services of the United States is not considered absent.

- (b) The duration of the parent's absence except:
- (i) For applicants, when the department's best estimate based on available evidence is that an absent parent will return to reside in the home at any time within the month of initial grant authorization or the month following the month of initial grant authorization, eligibility is determined prospectively as specified in WAC 388-28-483. If the department's best estimate is that the absent parent will return to the home within the month of initial grant authorization, deprivation does not exist. If the department's best estimate is that the absent parent will return to the home within the month following the month of initial grant authorization, deprivation may exist for the initial month of grant authorization according to the requirements of subsections (2) and (3) of this section, but deprivation does not exist for the month following the month of initial grant authorization.
- (ii) For recipients, after the first two months of eligibility, when the department determines an absent parent will be returning to the home, eligibility is determined according to WAC 388-33-135(4), and deprivation ceases the end of the month in which the parent returns to the home.
- (5) Applicants or recipients covered under subsection (4)(b) of this section are fully entitled to a redetermination of eligibility for other benefits prior to termination and to advance and adequate notice of termination including a right to hearing as specified in WAC 388-33-376 and 388-33-385.
- (6) Deprivation due to continued absence is considered established when a parent convicted of an offense is permitted to reside in the family home but is required by the court to perform unpaid work or unpaid community service.
- (a) The needs of the convicted parent will not be included in the determination of eligibility or the payment of financial assistance.
- (b) A convicted parent earning income outside of the hours of sentenced unpaid work or community service shall have such earnings treated in accordance with WAC 388-28-500.
- (((iv))) (7) If application is made by a nonresponsible relative on behalf of a child who has not been placed in his or her custody through a court order, whose parent or parents though able have failed to support the child, apparent abandonment shall be assumed and the policies outlined in WAC 388-24-114 shall apply.
- (((c) Absence of unmarried parents when paternity has been established by a court order (see WAC 388-24-050 (1)(a)(i));

If the parents have not maintained a home together, deprivation is established. If the parents have maintained a home together and one parent has left the home, the situation should be evaluated as provided in subsection (3)(b) of this section.

- (d) Absence due to other reasons:
- (i) Parent confined to an institution and is expected to remain for more than thirty days. A parent who is incarcerated but participating in a work release program is considered to be in an institution.

- (ii) Parent has been deported.
- (iii) Parent has been convicted of an offense and has been required by the court to perform unpaid work or community service during the workday while being permitted to reside in the family home.
- (A) The basis of deprivation will be continued absence, and the needs of the convicted parent will not be included in the determination of eligibility or the payment of the family grant.
- (B) A convicted parent earning income outside of the hours of sentenced unpaid work or community service shall have such earnings treated in accordance with WAC 388-28-500:
- (4) The rules in this section shall apply to applications which are pending and/or made on or after October 1, 1982, and to recipients when case actions occur or when a periodic desk review is completed on or after October 1, 1982)) (8) The rules in subsections (2), (3), (4), and (5) of this section are effective October 4, 1984.

AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE—DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. Effective ((August 23, 1983)) September 1, 1985, to be eligible for AFDC-E, an applicant shall be a child whose qualifying parent meets the requirements in this section.

- (1) The qualifying parent is that parent earning the greater amount of income in the last twenty-four-month period, the last month of which immediately precedes the month in which the application for assistance is filed.
- (a) If the client and CSO cannot secure verification of earnings for this period, the CSO shall designate the qualifying parent using the best evidence available.
- (b) The earnings of both parents are considered in determining the qualifying parent, regardless of when the relationship began.
- (c) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance based on the current application.
- (d) If both parents earned an identical amount of income, the CSO shall designate the qualifying parent.
- (2) The child must be deprived of parental care and support because of the unemployment of a natural parent, ((if married or paternity has been established by a court order,)) adoptive parent, or stepparent who satisfies all the requirements in this section to qualify the assistance unit.

A parent or stepparent is considered to be unemployed when:

- (a) He or she is employed less than one hundred hours a month, or
- (b) He or she exceeds that standard for a particular month if his or her work is intermittent and the excess is of a temporary nature as evidenced by the fact he or she was under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month.
- (3) The qualifying parent or stepparent must have been unemployed as defined in subsection (2) of this

section for at least thirty days prior to the date AFDC-E is authorized.

When AFDC-E is terminated due to full-time employment of the unemployed parent or stepparent, no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

- (4) The qualifying parent or stepparent must not have refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same thirty—day period.
- (5) The child must meet the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125.
 - (6) The child's qualifying parent or stepparent:
- (a) In WIN areas, must be registered for the WIN((/E&T)) program unless exempted by WAC 388-24-107. If exempt from WIN registration due to remoteness, must be registered for employment with the local DES office.
- (b) In non-WIN areas((: (i))), must be registered for employment with the local DES office((;)) and (((ii) Is registered)) for E&T unless exempted by WAC 388-24-107. If exempt from E&T registration due to remoteness, must still be registered for employment with the local DES office.
- (7) The qualifying parent or stepparent, if eligible for unemployment compensation, has not refused to apply for or accept such compensation.
 - (8) The qualifying parent or stepparent:
- (a) Has had six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he or she earned income of not less than fifty dollars, or in which he or she participated in the work incentive (WIN) program or community work experience program (CWEP). A "calendar quarter" means a period of three consecutive calendar months ending March 31st, June 30th, September 30th, or December 31st, or
- (b) Within one year prior to his or her application received or would have been eligible to receive unemployment compensation had he or she applied; or if the employment which he or she had was not covered under the unemployment compensation law of the state or the United States, his or her work history was such that had his or her employment been covered, he or she would have been eligible.
 - (9) ((The qualifying parent or stepparent:
- (a) In non-WIN areas is registered for and accepts on an ongoing basis employment and training services.
- (b) In WIN areas is registered for and accepts the services defined in subsection (9)(a) of this section if not accepted into a WIN component.
- (10))) The child must be living with both natural parents, ((if married or paternity has been established by a court order,)) adoptive parents, or a parent and stepparent except that one may be temporarily absent for up to ninety days to search for employment with the expectation of continuing to live with the family. The

absent parent must meet the requirements in WAC 388-24-107.

- (((11))) (10) AFDC will not be denied or terminated solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program.
- (((12) The rules in this section are effective July 1, 1983.))

AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. Effective ((August 23, 1983)) September 1, 1985:

- (1) Relationship of child to relative:
- (a) A dependent child to be eligible for AFDC-R must be living with one or more of the following relatives in a place of residence the relative or relatives maintains as his or her own home:
- (i) Blood relatives (including those of half-blood); father, mother, brother, sister, uncle, aunt, first cousin, nephew, or niece. Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.
- (ii) Stepfather, stepmother, stepbrother, and stepsister. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.
- (iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" as defined in this section.
- (iv) Spouse of any persons named in this section are within the scope of this provision, although the marriage is terminated by death or divorce.
- (b) A child eligible for AFDC-E must be living with both natural parents, ((if married,)) or adoptive parents, or a parent and stepparent. ((A child of unmarried parents is included if paternity has been established by a court order (see WAC 388-24-050 (1)(a)(i)).)) In order to determine members of the assistance unit, see WAC 388-24-050 also.
- (c) A child eligible for AFDC-FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.
- (((d) The unborn child is considered to be living with the mother.))
- (2) Verification of relationships relative to child and parents to each other.
- All relationships shall be verified in accordance with WAC 388-38-200.
- (3) Other considerations in determining when child is living in home of relative of specified degree.
- (a) "Living in home of relative" means the child is an accepted member of a family unit, and therefore, has a close and direct relationship with a specified relative assuming parental responsibility for the care, guidance, and control of the child.
- (b) The "home" is a family setting maintained or in the process of being established for the benefit of the family group. A home exists as long as the responsible relative exercises responsibility for the care and control of the child, even though circumstances may require the

temporary absence of either the child or the responsible relative from the customary family setting. Such temporary separations include:

- (i) Temporary care of the child or the responsible relative in a hospital or public or private institution when the illness is such that a return to the family can be expected and parental responsibility continues. If the temporary care exceeds ninety days, the monthly grant standard shall be as specified in WAC 388-29-125.
- (ii) Attendance of a child in school when the purpose is primarily for obtaining an education or vocational training. The responsible relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation. The monthly grant standard for a child attending school away from home shall be as specified in WAC 388-29-145. However, even temporary absence of a child from his or her home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to:
- (A) Need for specialized education and training not available in the child's home community, and such specialized education is recommended by local school authorities, or
- (B) Isolation of the child's home making it necessary for him or her to be away from home to attend school.
- (C) Enrollment on or after September 1, 1981, in an Indian boarding school administered through the Bureau of Indian Affairs.
- (iii) Visits in which the child or responsible relative is away from home for ninety days or less, including visits of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ninety days, eligibility is redetermined in accordance with the new circumstances.
- (iv) Attendance in a vocational training program when attendance is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training. Absence is considered temporary for the period of time required to complete the training program, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.
- (A) CSO approval is required for the training plan. (See WAC 388-57-028(2).)
- (B) A separate assistance unit shall be established for the responsible relative in training away from home.
- (v) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.
- (c) An AFDC payment can be made for a child who is a ward of the juvenile court, or other agency to whom the court has delegated authority, if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control, and supervision of the child.
- (d) An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control, and supervision of the child.

- (e) An AFDC payment can be made to the caretaker relative in behalf of a child even if the child is in foster care. The caretaker relative can apply for and receive AFDC for himself or herself and the child for thirty days, even though the child is not physically in the custody of the relative if:
 - (i) The caretaker relative is otherwise eligible,
- (ii) The child is returned to the relative's home before the end of the thirty—day assistance period,
- (iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in the same thirty-day period.

AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. Effective ((August 23, 1983)) September 1, 1985:

- (1) When deprivation due to incapacity ((or)), absence, or unemployment ceases and the family remains in need, the CSO shall determine if any other basis for deprivation exists.
- (2) If ((there is)) no other deprivation ((due to death or incapacity after deprivation due to absence ceases)) exists, assistance will be discontinued at the end of the calendar month in which deprivation ((due to absence ceases unless one of the parents qualifies the assistance unit for AFDC-E)) ends.

AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-265 CONSOLIDATED EMER-GENCY ASSISTANCE PROGRAM (CEAP)—ELI-GIBLE PERSONS. Effective ((August 23, 1983)) September 1, 1985:

- (1) CEAP shall be provided when the child:
- (a) Is under eighteen years of age, and
- (b) Is living with a parent or other relative as specified in WAC 388-24-125 (1)(a)(i), or
- (c) Has lived with such relative within the six months prior to the month in which assistance is requested;
- (d) Is in emergent need and the need is not due to his or her or such relative's refusal without good cause to accept employment.
- (2) The following may be included in the assistance unit:
 - (a) The child or children under the age of eighteen.
- (b) Both parents, if married or if ((paternity)) paternal relationship has been established ((by court order)) (see WAC ((388-24-050 (1)(a)(i))) 388-24-050 (1)(b)). Otherwise, only the mother shall be included.
- (c) The needy caretaker relative or relatives with whom the child or children live.
 - (d) Migrant workers with dependent children.
- (e) The ((married parents of an unborn)) pregnant woman, with no other child ((when pregnancy is confirmed. If unmarried, only the mother shall be included)) or children, who is in her third trimester of pregnancy.

- (f) A child under the age of eighteen not currently living in the home of a relative, if he or she qualifies under WAC 388-24-255(3).
- (g) Children and families not eligible for assistance because of their alien status.
 - (3) Emergency assistance:
- (a) May be paid to the recipient by warrant or by vendor payment.
- (b) Shall be utilized for applicants from another state only when such individuals are:
- (i) Detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated; or
 - (ii) They have decided to become residents.

AMENDATORY SECTION (Amending Order 1097, filed 2/13/76)

WAC 388-24-550 ASSISTANCE TO MINOR CHILD. (1) A minor is a person under the age of ((18)) eighteen.

- (2) Under state law (chapter 74.13 RCW, Child Welfare Services) the department is responsible for the protection and care of homeless, dependent, or neglected children or children in danger of becoming delinquent.
- (3) If a minor ((may apply in his or her own right, including an unmarried minor with a child or an unmarried pregnant minor)) applies for assistance for himself or herself, eligibility shall be determined according to WAC 388-24-040 and 388-24-125. If ((the)) an unmarried pregnant minor is requesting an abortion, parental consent is not required. The decision to proceed with an abortion rests solely with the minor. Involvement and/or consultation with parents in reaching this decision should be a matter of individual case judgment.
- (4) Financial eligibility of a minor cannot be established without a determination of the parent's ability to financially support and willingness to contribute. See WAC ((388-83-050(2))) 388-83-130 for responsibility for medical care. Parental contact is not required when the minor applicant:
 - (a) Is married,
 - (b) Is in the military service((:)),
- (c) Has been declared emancipated by a court of competent jurisdiction prior to the application for assistance((-)),
- (d) Is applying for medical assistance related to
- (((i))) (5) The minor's emancipation status is not an eligibility factor. The identification of emancipation status is necessary to determine if there is parental responsibility for support.
- (((d) Is applying for medical assistance related to pregnancy. See WAC 388-82-015 (1)(a)(i) regarding abortion.
- (5))) (6) The minor applicant will be informed ((that)) there will be communication with ((her/his)) his or her parents ((in)) during the period of determination of eligibility((, and that the juvenile court will be advised if her/his parents do not assume financial responsibility.

- (6) The juvenile court will be advised of all cases in which the parents do not assume financial responsibility)).
- (7) If a minor parent and his or her child live with such minor's parent or parents, the assistance unit of the minor parent is established according to WAC 388-24-050. If the minor parent's parent is not included in the assistance unit of the minor parent, the income of such parent is considered available to meet the needs of the minor parent as specified in WAC 388-28-500(4).
- (8) If a minor parent's legal guardian has a courtordered responsibility for the support of such minor parent, such legal guardian's income, with respect to determining the availability of such income to meet the needs of the minor parent, shall be treated the same as the income of a minor parent's parent as specified in subsection (7) of this section.

WSR 85-18-042 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2276—Filed August 30, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC and GAU—Eligibility—Need, amending chapter 388-28 WAC.

This action is taken pursuant to Notice No. WSR 85-16-040 filed with the code reviser on July 31, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 30, 1985.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-300 PROPERTY RIGHTS AND ENTITLEMENTS. WAC 388-28-300 through 388-28-392 deal with rules governing rights to property as these affect eligibility for public assistance. "Property" as used in this section includes both "resources" and "income" as defined in WAC ((388-28-030)) 388-22-030.

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83)

WAC 388-28-355 ((PRESUMPTIVE SPOUSE))
NONRELATED ADULT IN HOUSEHOLD. (1)
When a dependent child lives with one parent and another person ((whom the department presumes to be the spouse but who is)) not legally married to the parent:

- (a) The parent must declare those portions of the income and resources of the ((presumptive spouse which are)) nonrelated adult provided voluntarily for the support of the ((child(ren))) child or children and the parent.
- (b) Only such income and resources which have been stipulated by the parent to be actually available on a regular basis to meet the needs of the parent and ((child(ren))) child or children shall be considered in determining the income available to the parent and ((child(ren))) child or children.
- (2) Unwillingness of the ((presumptive spouse)) non-related adult to contribute does not affect the child's eligibility for assistance.
- (3) The needs of the ((presumptive spouse)) nonrelated adult may not be included in the assistance unit see WAC ((388-24-050(4))) 388-24-050(1), 388-29-020 and 388-29-080(3).
- (4) The natural parent is not relieved of a legal obligation to support his <u>or her</u> child by contributions from the ((presumptive spouse)) <u>nonrelated adult</u> toward the child's support.

AMENDATORY SECTION (Amending Order 2087, filed 3/14/84)

WAC 388-28-420 EFFECT OF RESOURCES ON FINANCIAL NEED—REAL PROPERTY—HOME. (1) The applicant's home is an exempt resource subject to the conditions specified. There is no ceiling value on the home.

- (2) A home is defined as real property owned and used by an applicant as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, including property normally considered and used as a part of a home, such as:
 - (a) Yard and home garden space;
 - (b) Road to get to the home;
 - (c) Right of way to and land holding a water supply;
- (d) Outbuildings and land on which they are located serving a normal and useful function of the home, such as garage, woodshed, chicken house, barn, pasture for cow, etc. In this connection, the use of necessary land and buildings to produce self-consumed products is considered as a reasonable part of the home property;
- (e) ((Land and buildings necessary to carry out the functions when such a plan is approved by the CSO)) Real property used in a self-employment enterprise is treated according to WAC 388-28-439.

Property in addition to that covered under subsections (2)(a) through (2)(e) of this section is considered under WAC ((388-28-455)) 388-28-425 and 388-28-450.

(3) The home when used as a place of residence by the applicant or by his or her dependents is an exempt resource.

- (a) "Dependents" as used in this section means spouse of the applicant and/or minor children and disabled sons or daughters.
- (b) "Disabled sons or daughters" means one or more unmarried, natural or adopted, minor or adult sons or daughters with a medically-verified disability significantly handicapping them in performing employment or homemaking activities and dependent on the applicant for their livelihood.
- (4) When the home is not being used for residential purposes by the applicant or by his or her dependents, the property shall be considered as a nonexempt resource subject to the exceptions in subsections (4)(a) and (b) of this section.
- (a) An applicant absent from his or her home for temporary visits is considered as continuing to reside in his or her home unless he or she expresses his or her intent to abandon the home as a residence.
- (b) Effective June 12, 1980, an applicant absent from his or her home for more than ninety days is presumed to have abandoned the home for residential purposes, except when such absence is due to natural disaster, hospitalization, or other health reasons. When such absence is over ninety days, and there is cause to believe the applicant will be unable to return to his or her home and the home is not occupied by his or her dependents, there shall be a rebuttable presumption the home is a nonexempt resource when the following conditions are met.
- (i) The individual specifies in writing his or her intent not to return to the home and use the home as his or her place of residence either for himself or herself, or for his or her dependents, or
- (ii) For medical absences, the CSO administrator, with the cooperation of the medical consultant, shall contact the president of the local medical society and ask that three doctors, one of which may be the attending doctor, review the existing medical findings and history and provide the CSO with a statement signed by all three physicians that it is their professional belief and opinion the individual, for health reasons, will either be able or unable to return to his or her home property. If the conclusion reached by the three physicians is not unanimous, this shall be so indicated.

In the event the evaluation from the three physicians indicates it is their medical opinion the individual will be able to return to his or her home during his or her lifetime, the home property shall continue to be considered as exempt property.

In the event the evaluation from the three physicians indicates unanimously it is their medical opinion the individual will be unable to return to his or her home during the remainder of his or her lifetime, the home, if not occupied by his or her dependents, shall be considered nonexempt property which can be made available to meet need.

The CSO administrator shall advise the president of the local medical society, as well as the physicians selected by the president, the department will pay each physician participating in the review an amount not to exceed ten dollars per case. (iii) For absences resulting from natural disaster, the local office administrator determines the residence is accessible and inhabitable. When a home that is determined inaccessible or uninhabitable could, in the judgment of the CSO administrator, become accessible and inhabitable with reasonable effort and expense to the applicant, the home is presumed to be a nonexempt resource.

NEW SECTION

WAC 388-28-425 EFFECT OF RESOURCES ON FINANCIAL NEED—REAL PROPERTY OTHER THAN HOME—ALL PROGRAMS. If an applicant owns real property with net equity value in excess of the resource maximum, he or she may receive assistance for a period not to exceed nine months provided:

- (1) He or she is making a good-faith effort to sell the property.
- (2) He or she signs a repayment agreement and a lien is filed with the department at the time of application to repay the amount of aid received during such period that would not have been paid had the property been sold at the beginning of such period, but not to exceed the amount of the net proceeds of such sale.
- (3) If the property is not sold within the nine-month period, or if eligibility ceases for any other reason, the entire amount of aid paid during such period is an overpayment.

AMENDATORY SECTION (Amending Order 2200, filed 1/30/85)

WAC 388-28-435 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES—AFDC AND RA. (1) Household furnishings and personal clothing essential for daily living are exempt resources without ceiling value. Such items in storage shall be presumed to be not essential for daily living, but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

- (2) The total value of cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, and excess value of vehicles, value of nonexempt property, and any other resources not specifically exempted shall not exceed one thousand dollars regardless of family size. Possession of resources in excess of the maximum shall render the household ineligible.
- (3) Term or burial insurance up to a maximum equity value of one thousand five hundred dollars per family member for the use of the applicant or applicants or recipient or recipients is exempt.
- (4) One cemetery plot for each member of the assistance household is exempt personal property. Any additional plots shall be considered as a resource with other resources up to the ceiling maximum of one thousand dollars.
- (5) One used and useful vehicle with an equity value of one thousand five hundred dollars or less is an exempt resource.

- (6) Excess equity value of a used and useful vehicle and the equity value of other vehicles shall apply toward the limit in subsection (2) of this section.
- (7) An income tax refund is a resource in the month received and considered with the resources in subsection (2) of this section. "Income tax refund" is defined as that portion of a payment received from the U.S. Internal Revenue Service (IRS) representing a refund of taxes previously paid. The Earned Income Tax Credit portion of an IRS payment is excluded from this definition.

AMENDATORY SECTION (Amending Order 2087, filed 3/14/84)

WAC 388-28-438 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—ALL PROGRAMS. (1) ((Other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(a) The exempted property must either produce income reducing the applicant's or recipient's need for public assistance, or aid in rehabilitating him or her or his or her dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(b) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(2))) Funds represented by values within the ceiling values are not used to determine financial need or to compute grants.

(((3))) (2) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute general assistance grants. If the funds are in excess of the ceiling value for AFDC and refugee assistance, the applicant/recipient is ineligible.

(((4))) (3) All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand, or in any place from which cash may be drawn by the applicant, is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(((5))) (4) A joint account, ((or)) an account held for another, or funds held for others shall be considered the property of the applicant or recipient since the entire amount is at his or her disposal, except when the applicant or recipient can show that all or a portion of the funds ((deposited within the account)) is derived from funds exclusively the other holder's and held and/or utilized solely for the benefit of that ((account)) holder. All funds ((within the account)) so verified shall not be considered actually available to the applicant or recipient.

- (((6))) (5) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.
- (((7))) (6) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.
- (((8))) (7) When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided the person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.
- (((9))) (8) An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.
- (((10))) (9) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide, "average loan" value in the current edition shall be presumed to be the resource value.
- (((11))) (10) In determining the resource value of recreational vehicles, the Kelley Bluebook R.V. Guide shall be used. For vehicles listed in this guide, "wholesale" value in the current edition shall be presumed to be the resource value.
- (((12))) (11) For vehicles not listed in these guides, the method of determining the resource value shall be documented in the case report.
- (((13))) (12) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.
- (((14))) (13) The changes to resource limits for federally funded programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

NEW SECTION

WAC 388-28-439 EFFECT OF RESOURCES ON NEED—PROPERTY USED IN SELF-EM-PLOYMENT. (1) Real and personal property used in a self-employment enterprise such as land, buildings, tools, farm machinery, livestock, business equipment, and inventory can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

- (a) The exempted property must either produce income reducing the applicant's or recipient's need for public assistance or aid in rehabilitating him or her or his or her dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.
- (b) If stock, raw materials, or inventory of a business is exempted, any increase in value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

- (2) In the absence of an agreed plan, the business assets of a self-employment enterprise are nonexempt resources available to the owner in the amount of the sale value minus encumbrances, unless the resources are generally exempt under the provisions of WAC 388-28-420, 388-28-430, and 388-28-435.
- (a) Accounts receivable are exempt resources under an agreed plan as long as diligent effort is being made to collect. If efforts to collect are unsuccessful, then the department shall require the accounts be turned over to a collection agency. Failure to do so will cause the accounts to become a nonexempt resource. When payment is received, it is treated as income pursuant to WAC 388-28-520.
- (b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.

AMENDATORY SECTION (Amending Order 2087, filed 3/14/84)

WAC 388-28-450 NONEXEMPT RESOURC-ES—EFFECT ON FINANCIAL NEED. (((1))) The possession of a nonexempt resource by an applicant affects his or her financial need to the extent the value of the resource decreases his or her need for public assistance.

- (1) For all programs, the value assigned to such resources shall be the fair market value minus legal encumbrances.
- (2) For general assistance, the value of such resource is deducted from the cost of ((the general assistance)) applicant's requirements for one month at time of application and each succeeding eligibility review. If the value of nonexempt resources exceeds one month's appropriate payment level plus additional requirements, the applicant is ineligible.
- (((2) For general assistance, the value assigned to such resources shall be the fair market value minus legal encumbrances.))
- (3) For AFDC and RA, the ((value of nonexempt resources shall be the fair market value minus legal encumbrances. The)) fair market value shall be reassessed if the applicant provides acceptable evidence that a good-faith effort has been made to sell the resource at the fair market value determined by the department and the value is less than the resource ceiling. If the total value of the nonexempt resource exceeds the maximum in WAC 388-28-435(2), the applicant is ineligible.

AMENDATORY SECTION (Amending Order 2200, filed 1/30/85)

WAC 388-28-475 USE OF INCOME AND INCOME POTENTIALS. (1) Meaning of income (see definition in WAC ((388-20-030)) 388-22-030). Income includes all types of real or personal property, support from parent, stepparent, ((presumptive spouse)) other nonrelated adult, stocks and bonds, wages, interest in an estate, income from farming, all benefits and entitlements from private and public agencies, such as OASDI, veterans' agencies, U.C., gifts and prizes in the form of cash or marketable securities, etc. Its value is

used to compute financial need in accordance with the policies herein.

- (2) Ownership and use of income and income potentials. The policies in WAC 388-28-300 through ((388-28-395)) 388-28-420 regarding ownership and use of resources also govern the ownership and use of income and income potentials.
- (3) Resources and income. WAC 388-28-400 through ((388-28-455)) 388-28-457 contain policies and procedures for considering and using nonexempt resource values to determine financial need. WAC 388-28-475 through 388-28-600 covers policies and procedures used in computing income to determine financial need. The total nonexempt resource values and nonexempt net income values are compared with the appropriate payment level plus authorized additional requirements to determine financial need and, if it exists, the amount of the grant for which the applicant is eligible.

AMENDATORY SECTION (Amending Order 2200, filed 1/30/85)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) An applicant or recipient whose nonexempt net income for the month exceeds the monthly payment level plus authorized additional requirements is not eligible to receive assistance whether the income is received weekly, biweekly, or monthly, except as specified in WAC 388-24-250 through 388-24-265.

- (2) Treatment of income.
- (a) The grant amount for the month the application is approved shall be determined by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder shall be prorated for the number of days after grant authorization. This prorated figure is the grant amount for the first month of eligibility.
- (b) The grant amount for the month following the month of initial eligibility shall be determined by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder is the grant amount for the second month of eligibility.
- (c) The grant amount for the third month of assistance and subsequent months shall be based upon income ((and circumstances)) received in the budget/report month. WAC ((388-28-483 (2) and (3), 388-33-135 and 388-33-140 (1)(b) and (c) are exceptions)) 388-28-483(3) is an exception to this rule.
- (3) Irregular income up to five dollars per month received by a general assistance applicant or recipient may be disregarded towards meeting need by the local office if the probability exists that such future income will not be appreciable.
- (4) Earned income credit (EIC) payments shall be considered earned income during the month received.

- (5) Loans are not considered income, as defined in RCW 74.04.005(12), subject to the following restrictions:
- (a) Any contractually agreed loan acquired by an applicant or recipient committing all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.
- (b) Any other loan, regardless of the loan's ability to meet current needs, shall not be taken into account as income when it is verified the following conditions are met:
- (i) The terms of the loan are stated in a written agreement between the lender and the borrower; and
- (ii) The agreement clearly specifies the obligation of the borrower to repay the loan. The agreement must include a repayment plan providing for installments of specified amounts to begin within ninety days of the receipt of the loan and continue thereafter on a regular basis until the loan is fully repaid.

As part of the verification process, the recipient is required to submit loan contract papers or a written agreement setting forth the terms of the loan regarding the loan's amount and the repayment plan. The agreement must be signed by the lender and the recipient as parties to the agreement.

- (6) Repayments to a recipient of money previously loaned by the recipient to another party shall not be taken into account as income, since the loan represents income or resources already considered in computing need. The facts of the loan must be verified. Consider any interest paid on the loan as newly acquired income.
- (7) A gift in-kind, named as follows, supplied on condition ((that)) the gift in-kind be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income ((which is)) available to meet need.
- (a) Real or personal property, excluding cash and marketable securities, ((which is)) exempted for an applicant and ((which is)) within the ceiling values. Example: A home or a new furnace.
- (b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.
- (c) Needed goods or services not currently included as additional requirements in the department's standards. Example: Repair of house or of household equipment.
- (8) WAC 388-28-482 and 388-28-484 cover newly acquired income received by a recipient.

AMENDATORY SECTION (Amending Order 2210, filed 3/6/85)

WAC 388-28-483 RETROSPECTIVE BUDGETING, PROSPECTIVE BUDGETING, AND PROSPECTIVE ELIGIBILITY. (1) The CSO shall determine eligibility based on the best estimate of income and circumstances which will exist in the month for which the assistance payment is made.

- (2) For the first two months of initial eligibility, all income shall be budgeted prospectively. (See subsection (3) of this section for exceptions.) The CSO shall compute the amount of the assistance payment based on the expected income and circumstances which will exist in the month for which the assistance payment is made.
- (a) An overpayment shall be established if the income is underestimated.
- (b) A corrective payment shall be made if the income is overestimated.
- (3) Retrospective budgeting shall be used for the first two months of initial eligibility when:
- (a) There has been less than one month's break in assistance (i.e., the applicant received assistance in the preceding month, or would have received assistance except for the prohibition on payments less than ten dollars).
- (b) Assistance had been suspended due to an extra ((pay day)) payday for the month prior to the month of application, assistance had been terminated at the end of the month of suspension, and the applicant's circumstances for the initial authorization month have not changed significantly from those prior to termination.
 - (c) A case is reopened as terminated in error.
- (4) After the first two months of initial eligibility, all income shall be budgeted retrospectively.
- (a) The CSO shall compute the amount of assistance based on the income ((and circumstances)) which existed in the second month preceding the month for which the payment is made.
- (b) All income received during the calendar month of application approval shall be considered for retrospective budgeting purposes.
- (c) Nonrecurrent income ((which is)) budgeted prospectively during the first two months of eligibility shall not be budgeted ((again when)) for the first and second payment month for which retrospective budgeting ((begins)) is used.
 - (d) Definitions:
- (i) The calendar month for which payment is made shall be called the payment month.
- (ii) The second calendar month preceding the payment month shall be called the budget/report month.
- (iii) The calendar month between the budget/report month and the payment month shall be called the process month.
- (5) See WAC 388-33-140 for effective date of increase or decrease of the grant. See WAC 388-33-135 for effective dates of ineligibility.

- WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) Income affects the grant amount according to the provisions of WAC 388-28-483.
- (2) When the value of the income is taken into account in the assistance payment as specified in WAC 388-28-483, the following rules apply:

- (a) If the income value plus any other income amounts to less than the payment standard plus authorized additional requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.
- (b) ((Effective January 1, 1982,)) For AFDC and refugee assistance, when the assistance unit's nonrecurrent income after applicable disregards exceeds the payment standard, plus authorized additional requirements, the unit shall be ineligible for assistance for the number of full months derived by dividing this total income by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month.
- (i) Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.
- (ii) The period of ineligibility may be shortened when the following conditions are met:
- (A) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard, or
- (B) The income received, or any part thereof, has become unavailable to the members of the assistance unit for reasons beyond their control, or
- (C) Members of the assistance unit incur, become responsible for, and pay medical expenses.
- (D) Assistance is authorized only after the event in subsection (2)(b)(ii)(A), (B), or (C) of this section has been verified and current eligibility has been established.
- (c) If the nonrecurrent income equals or exceeds one month's payment level plus authorized additional requirements for general assistance, but is less than two months' payment level plus authorized additional requirements minus other income, the recipient is ineligible for a grant from the effective date specified in WAC 388-28-483, and his or her grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.
- (d) If the income is recurrent and equal to or in excess of one month's payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated, except for persons in institutions other than nursing homes as provided in WAC 388-34-160.
- (e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances making it impossible for him or her to live on his or her resource for the two-month period of ineligibility. The eligibility of a former recipient reapplying shall be determined on the same basis as a new applicant.

- (3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established according to chapter 388-44 WAC.
- (4) If a general assistance recipient has been determined to be ineligible for a current or future period of time((5)) and his or her grant will be suspended or terminated for such period of time((5)) due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.
- (5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.
- (6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.
- (7) An applicant or recipient whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, is not eligible for AFDC or refugee assistance from the date specified in WAC 388-28-483. The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit residing in the same household, shall be considered in this test except for income identified in ((WAC 388-28-484)) subsection (7)(a) and (b) of this section.
- (a) In determining the total income of the family, the earned income of a child who is a full-time student is excluded for six consecutive months per calendar year.
- (b) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.
- (c) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.
- (d) Net income shall be defined as gross income less applicable disregards and deductions for which the applicant or recipient is eligible.
- (8) Income ((which has been)) taken into account in computing financial need according to subsection (2) of this section if retained by a GA-U recipient does not affect his or her eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant is applied.

WAC 388-28-500 USE OF INCOME AND INCOME POTENTIALS—COMPUTING AND ALLOCATING INCOME. (1) Living arrangements, family relationships, and categories of assistance also affect the use of income in computing financial need as provided by the rules in this section.

(2) Except as provided in this subsection, the nonexempt net income of a person in his or her own home shall be attributed to the assistance unit of which he or she is a member.

- (a) The total nonexempt net community income of a family having two or more eligible assistance units shall be divided equally between the assistance units unless some other division is preferred. An unequal division of the family income is not permitted if it increases the total amount of assistance (excluding medical care) to which the family would be entitled.
 - (b) Applicant with a nonapplying independent spouse.
- (i) If all income is from community property or from community earnings other than wages, not less than one-half the total income shall be considered available to an AFDC applicant living with a nonapplying spouse.
- (ii) Net income from wages or from the separate property of the nonapplying spouse shall be considered available to the applicant only to the extent the net income exceeds the amount of the nonapplying spouse's appropriate one-person payment level.
- (iii) Wages or income from separate property of the applicant shall be considered as provided in WAC 388-28-365 and 388-28-370.
- (iv) When income includes both community income and income from the separate property or from wages of the nonapplying spouse, at least half of the community income shall be considered available to the applicant, plus any residue of the separate income or wages exceeding the amount of the appropriate one—person payment level of the nonapplying spouse.
 - (v) Retirement benefits shall be treated like wages.
- (vi) Income in-kind shall be treated as community income.
- (c) Exempted income shall not be used in computing the need of any assistance unit.
- (d) For rules on ((presumptive spouse)) nonrelated adults in the household, see WAC 388-28-355.
- (3) The rules in subsection (2) of this section shall also apply to a person boarding and/or rooming in an adult family home or other nonmedical institution.
- (4) The income of a minor parent's nonapplying parent or parents or legal guardian or guardians legally responsible for the support of such minor parent as specified in WAC 388-24-550(8), if residing in the same household, shall be considered as available to the assistance unit of such minor parent and such minor's child or children to the extent such income exceeds applicable disregards. This subsection applies to minor parents and parents eighteen years of age and under nineteen years of age as specified in WAC 388-24-040(9) whether or not such parents are married or otherwise meet the criteria in WAC 388-24-550(4). In counting such income, the following shall be disregarded:
- (a) For each employed parent or legal guardian, the following amounts for work expenses depending upon the number of hours worked per month.

Hours worked	Work	
per month	expense disregard	
0 - 40	\$ 20.00	
$4\overline{1 - 80}$	\$ 40.00	
81 - 120	\$ 60.00	
121 or more	\$ 75.00	

- (b) An amount equal to the need standard as specified in WAC 388-29-100 for a group with the following members:
- (i) The parent or parents or legal guardian or guardians living in the home; and
- (ii) Any other individuals living in the home but not in the assistance unit, and are or could be claimed by the parent or parents or legal guardian or guardians as dependents for purposes of determining his or her federal income tax liability;
- (c) The amount paid by the parent or parents or legal guardian or guardians to support individuals outside the home who could be claimed by him or her as dependents for the purpose of determining his or her federal income tax liability; and
- (d) Payments by the parent or parents or legal guardian or guardians of child support or alimony to individuals outside the home.
- (5) When a person in a medical institution is to receive an AFDC or continuing general assistance grant, family income shall be allocated first to the appropriate payment level of legal dependents computed according to standards in chapter 388-29 WAC and then to the maintenance needs of the individual computed according to WAC 388-34-045, 388-34-085, 388-34-110, 388-34-120, or 388-34-378.
- (((5) When a person in a medical institution is to receive FAMCO, income shall be allocated according to WAC 388-83-045.))
- (6) ((The income of an individual applying for medical only shall be allocated according to WAC 388-83-045.
- (7))) The income of a person with other living arrangements is first applied to the grant requirements of the applicant and his or her dependents. Any remaining income shall be allocated for medical needs.

- WAC 388-28-515 NET CASH INCOME—DETERMINATION—EMPLOYMENT OR TRAINING EXPENSES—DEDUCTIONS FROM GROSS INCOME. (1) "Gross income" means the total wages, commissions, salary, bonus, in cash or in-kind, currently earned by an individual or income received for the purpose of obtaining remedial education or vocational training.
- (a) The thirty dollars monthly incentive payment made by DES to any participant in a WIN program of institutional and work experience training is disregarded in AFDC.
- (b) ((The incentive payments received by a JTPA participant is disregarded in AFDC. For continuing general assistance, such payments are considered available to meet need.
- (c))) WIN transportation and related ((expenses)) expense (TRE) payments are training incentive payments paid for the first thirty days of employment and are disregarded for AFDC purposes.

- (2) In determining net income for general assistance from a training allowance, applicable expenses in subsections (3)(a) through (5) of this section shall be deducted from the gross training allowance received.
- (3) For general assistance, personal and nonpersonal work expenses computed according to subsections (3)(a) through (5) of this section shall be deducted from earnings ((according to the method outlined in WAC 388-28-570(8))) after applying the earned income exemptions in WAC 388-37-025.

Work-related expenses other than child care shall be deducted in accordance with the "percentage method" or the "actual method," whichever is chosen by the client.

- (a) If the client chooses the "percentage method," twenty percent of the gross income shall be deducted.
- (b) If the client chooses the "actual method," the actual cost of each work-related expense shall be deducted. This method shall be used when the client provides written verification of all work-related expenses claimed.
- (c) The client shall have the option to change methods whenever he or she reports income to the CSO.
- (d) When the client changes methods, the provisions in WAC 388-33-135 and 388-33-140 shall apply.
- (4) For general assistance, the following work-related expenses shall be deducted when claimed and verified under the actual method.
- (a) Payroll deductions required by law or as a condition of employment in the amounts actually withheld.
- (b) The necessary cost for transportation of the recipient to and from the place of employment or training in accordance with the following limitations:
- (i) The most economical means of transportation shall be used.
- (ii) When public transportation is available near the recipient's regular place of residence and practical for his or her use, the allowance shall be the cost for such transportation from the recipient's home to the stop nearest his or her employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.
- (iii) The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars unless no other means of public transportation is available.
- (iv) When public transportation is not available or not practical for his or her use, a recipient showing that he or she uses a vehicle to travel to and from employment or the training facility shall be allowed the actual cost of such transportation provided the recipient furnishes verification of these costs. Shared rides shall be prorated on an equitable basis, depending on the travel plan.
- (A) The actual work-related cost of operating the vehicle shall be the total operating cost of the vehicle times the percentage obtained from dividing the actual monthly mileage to and from work by the total miles driven during the month.
- (B) The total operating cost of a vehicle shall be limited to gas, oil, and fluids; necessary service and repairs; replacement of worn items such as tires; registration and

licensing fees; and depreciation and interest on automobile loans.

- (v) When the client ((so)) chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, fluids, and depreciation.
- (c) The cost of tolls and parking required for employment shall be deducted as a work-related expense.
- (d) Expenses of employment necessary for continued employment, such as tools, materials, union dues, fees to employment agencies incurred via a legally binding contract, cost of special uniforms and laundering, and transportation to service customers if not furnished by the employer.
- (e) The additional cost of clothing provided it is verified such clothing is necessary for continued employment.
- (5) For general assistance applicants and recipients enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing, as priced by the CSO, shall be deducted.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-520 <u>INCOME FROM SELF-EM-PLOYMENT</u>. (1) Earned income from self-employment is the amount left after deducting business expenses from gross business income. The applicable program earnings exemptions, and work expense allowances, are further deducted from self-employment earned income to determine the net amount available to meet need. See WAC 388-28-515 ((and 388-28-570(8))).

- (a) In order to establish eligibility for public assistance, a self-employed person must maintain and make available to the department a record ((which)) clearly ((documents)) documenting all claimed business expenses and income.
- (b) For general assistance, personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid.
- (2) Expenses for the following items are deductible business expenses in a self-employment enterprise:
 - (a) Rental of business equipment or property.
 - (b) Utilities.
 - (c) Postage.
 - (d) Telephone.
 - (e) Office supplies.
 - (f) Advertising.
 - (g) Insurance.
 - (h) Legal, accounting, and other professional fees.
- (i) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided ((that)) inventory has been declared exempt on the basis of an agreed plan pursuant to WAC ((388=28-430 (1)(d). See also subsection (4) of this section)) 388-28-439.
 - (j) Interest on business indebtedness.
- (k) Wages and salaries paid to employees not producing salable goods.
- (1) Commissions paid to agents and independent contractors.

- (m) Transportation essential to the business may be computed according to the actual documented work-related cost of operating the vehicle.
- (i) The total operating cost of a vehicle shall be limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.
- (ii) When the client ((so)) chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, and fluids.
- (iii) The cost of tolls and parking related to the business shall be deducted as a business expense.
- (iv) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.
- (v) Transportation to and from the place of business is not a business expense, but is a personal work expense to be treated according to WAC 388-28-515 (((5))(3) in general assistance and is covered by the seventy-five dollars work expense deduction for AFDC and refugee assistance.
- (n) Nonpersonal taxes on the business and business property, including the employer's share of federal Social Security taxes on business employees and state and federal unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes (FICA) are not business deductions, but are treated separately according to WAC 388-28-515 ((and 388-28-570(8))).
- (o) Repairs to business equipment and property, excluding vehicles. An expenditure ((which maintains)) to maintain property in its usual working condition is deductible as a repair.
- (p) Other expenditures ((which are)) reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.
- (3) Expenses for the following items are not deductible business expenses in a self-employment enterprise:
- (a) Capital expenditures. Capital expenditures are those made to acquire or increase the value of fixed assets. Fixed assets are items normally in use for one year or longer, such as land, buildings, vehicles, boats, machinery, tools, office equipment, furniture, and fixtures.
 - (b) Payments on the principal of loans to the business.
 - (c) Amounts claimed as depreciation.
- (d) Any amount claimed as a net loss sustained in any prior period.
 - (e) Entertainment expenses.
- (((4) The business assets of a self-employment enterprise, including inventory, are nonexempt resources available to the owner in the amount of their sale value less encumbrances, unless they are generally exempt under the provisions of WAC 388-28-430 or specifically exempted on the basis of an agreed plan pursuant to WAC 388-28-430 (1)(d). See also WAC 388-28-420 (2)(e).
- (a) Accounts receivable are resources in the amount of their face value, subject to an offering of proof by the self-employed person that their value is less than face value because efforts to collect them have been unsuccessful. In such case, the department shall require that

the accounts be turned over to a collection agency. They then have no value until collection is made.

(b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.))

AMENDATORY SECTION (Amending Order 2200, filed 1/30/85)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) ((A child may receive income paid in his or her behalf to the parent or parents or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, veterans' benefits, court—ordered support payments, trust fund payments, or other income legally designated for the benefit of an individual child.

- (a) The family shall have the option to:
- (i) Include the child as a member of the assistance unit with all income considered as available to the assistance unit, or
- (ii) Exclude the child from the assistance unit. In this instance, none of the child's income is available to the assistance unit:
- (b) If a child's income includes a portion for his or her caretaker relative, that portion shall be available to meet the need of the assistance unit.
- (c) The child's requirements shall be the difference between the payment level of the assistance unit including the child and the payment level of the assistance unit excluding the child.
- (d) If a child out of school is included in the assistance unit, his or her earnings shall be treated as specified in subsection (3)(f) of this section. Determination of the child's net income is made with the caretaker relative and with the child when indicated.
- (2) If the child is not included in the assistance unit, his or her eligibility for medical assistance shall be determined individually.
- (3))) In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he or she is a member, the following rules apply:
- (a) All earned income of a child in an assistance unit shall be disregarded in determining eligibility for six months when he or she is a full-time student and disregarded in determining payment amount when he or she is a full-time student or a part-time student who is not a full-time employee. ((See subsection (4) of this section for treatment of Job Training Partnership Act (JTPA)
- (b) A student is one attending a school, college or university, or a course of vocational or technical training designed to fit him or her for gainful employment, and includes a participant in the job corps program under the Economic Opportunity Act. A full-time student must have a school schedule equal to a full-time curriculum. A part-time student must have a school schedule equal to at least one-half of a full-time curriculum. A student enrolled during the school term just completed and planning to return to school when school reopens

- shall retain his or her status as a student during the summer vacation.
- (c) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part-time student working less than full time.
- (d) To be employed full time, a child must be working thirty-five hours a week or the number of hours considered full time by the industry for which he or she works, whichever is less.
- (e) Summer employment of students shall not be considered as full-time employment due to the temporary nature of such employment, even though the hours worked may exceed thirty-five hours a week.
- (f) In determining the amount of a nonstudent child's earned income available to meet the current needs of the assistance unit, net income shall be computed according to WAC 388-28-570.
- (((4) All wages or other income (training allowances, payments for supportive services, etc.) received under the Job Training Partnership Act (JTPA) by a dependent child who is a full-time student, or a part-time student who is not a full-time employee, shall be disregarded both for the one hundred eighty-five percent of need test for six months, if wages, and in computing the family's assistance payment. See WAC 388-28-570 (3) and (4)(d) for treatment of JTPA moneys received by a dependent nonstudent child.))
- (2) A child may receive income paid in his or her behalf to the parent or parents or other needy caretaker relative. Such income includes earned income, allotments, retirement, survivors and disability insurance, veterans' benefits, court-ordered support payments, trust fund payments, or other income legally designated for the benefit of an individual child. Such income of a child ineligible to be included as a member of the assistance unit shall be considered as follows:
- (a) If the child is ineligible due to noncooperation with the work incentive or employment and training programs, or with child support enforcement if the child is a minor parent, such child's income shall be considered available to meet the need of the assistance unit to the extent it exceeds a one-person payment level;
- (b) If the child is ineligible due to any other factor of eligibility, none of the child's income shall be considered available to meet the need of the assistance unit.
- (3) A stepchild may receive income as specified in subsection (2) of this section. According to WAC 388-24-050(3), when the assistance unit does not include a stepchild's sibling or half-sibling, the family shall have the option to:
- (a) Include the stepchild as a member of the assistance unit with all of the stepchild's income considered as available to the assistance unit; or
- (b) Exclude the stepchild from the assistance unit, with none of the stepchild's income considered as available to the assistance unit.
- (4) If the income of an ineligible child or stepchild, including a stepchild excluded from the assistance unit as specified in subsection (3) of this section, contains a

portion for such child's caretaker relative, that portion shall be considered as available to the assistance unit.

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83)

WAC 388-28-560 NET CASH INCOME—INCOME FOR SUPPORT OF LEGAL DEPENDENTS. The income of a parent or ((step-parent)) stepparent in the assistance unit shall be allocated in the following order:

- (1) To pay court or administratively ordered support for any legal ((dependent(s))) dependent or dependents not living in his or her home. Such support is exempt up to the amount of the one-person continuing assistance need standard for each legal dependent. Verification must be obtained that the support payments are being made.
- (2) To meet the requirements of those needy members of the family who are not eligible for AFDC and for whom the parent or ((step-parent)) stepparent is legally responsible. Such requirements shall be computed according to appropriate payment level.
- (3) To meet the needs of members of the AFDC assistance unit for whom he or she is legally responsible.

AMENDATORY SECTION (Amending Order 2200, filed 1/30/85)

WAC 388-28-570 NET CASH INCOME—EX-EMPT EARNED INCOME. (1) For rules on exempting earned income of a full—or part-time student, see WAC 388-28-535. For rules exempting income from training, see WAC 388-28-515. For rules on other income, see WAC 388-28-580.

- (2) As used in this section, "earned income" shall mean income in cash or in-kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. Earned income also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock, or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.
- (3) For an AFDC recipient, earned income includes earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages from WIN on-the-job training, and wages paid under the Job Training Partnership Act (JTPA) ((to adults and nonstudent dependent children)). See WAC ((388-28-535(1))) 388-28-535(2) for treatment of a child excluded from the grant((, and WAC 388-28-535(4) for a dependent full-time student receiving JTPA wages.
- (a) For public service employment under the Emergency Assistance Act, the thirty-dollar plus one-third earned income exemption is applicable.
- (b) For public service employment under WIN, the thirty-dollar plus one-third earned income exemption does not apply. If net income after work expenses are

- deducted does not meet need according to department standards, a supplemental grant may be paid)).
 - (4) The definition of "earned income" excludes:
- (a) Returns from capital investment with respect to which the individual is not himself or herself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.
- (b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.
- (c) Income from WIN incentive payments, and training-related expenses derived from WIN institutional or work experience training.
- (d) Income received under the Job Training Partnership Act for training allowances, payments for support services, etc. ((Such income shall be treated according to WAC 388-28-535(4) for dependent children who are full-time students. For adults and nonstudent dependent children, disregard all moneys directly related to expenses incurred from participating in the program. Exempt the remaining amount up to the difference between the need standard and the payment standard. Consider any amount in excess of the need standard as uncarned income.))
- (5)(a) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to the period of payment.
- (b) In general assistance, the exemption applies to the period during which the exemption was earned rather than the period of payment.
- (6) Aid to families with dependent children and refugee assistance.
- (a) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.
- (i) Seventy-five dollars for work expenses, regardless of the number of hours worked per month.
- (ii) The actual cost not to exceed the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent. The amount paid must be verified by the provider. The expense must have been paid from the declared earnings to be allowed as a deduction.

Hours worked per month	Child care maximum deductions
per month	maximum deductions
0 - 40	\$ 40.00
41 - 80	80.00
81 - 120	120.00
121 or more	160.00

(b) The following shall be disregarded sequentially from the combined gross earned income of nonstudent dependent children and adults included in the AFDC assistance unit.

- (i) For individuals found otherwise eligible to receive assistance or having received assistance in one of the four prior months, thirty dollars and one—third of the remainder not already disregarded. The thirty dollars and one—third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she has been a nonrecipient for twelve consecutive months.
- (ii) After expiration of the disregard in subsection (6)(b)(i) of this section, thirty dollars shall be disregarded for a maximum of eight consecutive months, whether or not the recipient has earnings or is receiving assistance; it cannot be applied again until he or she has been a nonrecipient for twelve consecutive months. This provision is effective November 1, 1984.
- (c) The exemptions and deductions in subsection (6)(a) and (b) of this section will not be applied for any month if the individual within a period of thirty days preceding the month in which the income was received:
- (i) Terminated his or her employment or reduced his or her earned income without good cause; or
- (ii) Refused without good cause to accept employment in which he or she is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment; or
- (((iii))) (d) The exemption and deductions in subsection (6)(a) and (b) of this section will not be for any month the recipient failed without good cause as determined by the CSO, to report earnings to the department on or before the eighteenth day of the month following the month in which the income was received, or by the first following work day if the eighteenth day of the month falls on a weekend or holiday. Under these circumstances, the thirty-dollar and one-third exemption shall be counted in the applicable time limits. Any circumstance beyond the control of the recipient shall constitute good cause.
- (((c))) (e) If a recipient requests termination in order to break the consecutiveness of the applicable time limits for the thirty-dollar plus one-third exemption, and would have been eligible, the months of voluntary non-receipt of assistance shall be counted toward the applicable time limits.
- (((d))) (f) If a recipient quits work without good cause, the thirty-dollar and one-third exemption shall be deemed to have been received and shall be counted toward the applicable time limits.
- (((c))) (g) Months in which the applicant/recipient received the thirty-dollar and one-third exemption in another state shall not apply toward the applicable time limits.
- (7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:
- (a) Physical, mental, or emotional inability of the individual to satisfactorily perform the work required;
- (b) Inability of the individual to get to and from the job without undue cost or hardship to him or her;
- (c) The nature of the work would be hazardous to the individual;

- (d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;
 - (e) The job is available because of a labor dispute;
- (f) Adequate child care is not available to the ((single parent)) AFDC household.

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

- (a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. Department of Health and Human Services. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.
- (b) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfoot Tribe of the Blackfoot Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.
- (c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in section 7 of P.L. 93-134 or section 6 of P.L. 94-114.
- (d) The income and resources of an individual receiving benefits under Supplemental Security Income for the period such benefits are received.
- (e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under section 21(a) of that act.
- (f) From August 1, 1975, to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.
- (g) ((Wages, training allowances, and/or all moneys received under the Job Training Partnership Act (JTPA) by a dependent child who is a full-time student or parttime student who is not a full-time employee shall be disregarded both for the one hundred eighty-five percent of need test for six months, if wages, and in computing the family's assistance payment.
- (h))) Retroactive AFDC benefits resulting from a court order modifying a department policy.
- (((i))) (h) The part of a Veterans' Administration educational assistance payment for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes, and child care services necessary for school attendance.
- (((j))) (<u>i)</u> HUD community development block grant funds obtained and used under conditions precluding use for current living costs.
- (((k))) (j) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family
- (2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

- (a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- (b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended.
- (c) Any compensation provided to volunteers in ACTION programs established by Titles II and III of P.L. 93-113, the Domestic Volunteer Service Act of 1973.
- (d) Any compensation provided volunteers in ACTION programs established by Title I of P.L. 93-113, the Domestic Volunteer Service Act.
- (e) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended.
- (f) Payments made under the Community Services Administration's Emergency Energy Conservation Program of 1979.
 - (g) Energy assistance payments.

WSR 85-18-043 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 30, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to customer—owned telephones, WAC 480-120-137, Cause No. U-85-45. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rule on economic values, pursuant to chapter 43-.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, September 18, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.36.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 13, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-15-094 filed with the code reviser's office on July 24, 1985.

Dated: August 30, 1985

By: Paul Curl

Acting Secretary

WSR 85-18-044 ADOPTED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-236, Cause No. TV-1897—Filed August 30, 1985]

In the matter of amending WAC 480-12-033 relating to temporary permits.

This action is taken pursuant to Notice No. WSR 85-15-002 filed with the code reviser on July 5, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 85-15-002 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, August 28, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to August 23, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, August 28, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the August 28, 1985, meeting the commission considered the rule change proposal. No written comments were received regarding the rule change.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480–12–033 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480–12–033 as amended will expedite the issuance of approximately 300 temporary permits annually and will enable the commission to get those permits to the carriers more efficiently in order to assure growers adequate transportation during the harvest season.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-033 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for

filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 28th day of August, 1985.

Washington Utilities and Transportation Commission Sharon L. Nelson, Chairman Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-187, Cause No. TV-1595, filed 6/2/82)

WAC 480-12-033 TEMPORARY PERMITS. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.

(a) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

- (i) A showing of an immediate and urgent need for the requested service;
- (ii) The presence of lack of available service capable of meeting the need; and
- (iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.
- (b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied—for temporary service.
- (c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within ((seven)) ten days from the date of publication, submit a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing and able and commits to provide service to their satisfaction on demand.
- (2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.
- (((a))) In determining whether or not the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.
- (3) Any temporary permit granted under subsection (1) of this section (except a temporary permit which has been canceled within twenty days after date of issuance as hereinafter provided) or subsection (2) ((above)) of

this section, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than sixty days after issuance of the temporary permit.

(4) The commission may impose special terms and conditions in connection with granting of temporary permits. The commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1) of this section:

"This permit is subject to cancellation any time within twenty days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary permit was not issued in the public interest."

- (5) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner: PROVIDED, That emergency temporary authority may be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.
- (((a))) Emergency temporary authority may be authorized upon application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance.
- (6) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.

WSR 85-18-045 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 30, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-65 WAC, asbestos removal and encapsulation is a new Washington Administrative Code which concerns the removal or encapsulation of asbestos. Workers are required to have a minimum of thirty hours of training before working with asbestos. The proposed rules will provide specifications for the certification of

training programs for the removal or encapsulation of asbestos, as well as provide specifications for the certification of qualified asbestos workers, establish certain fees, and identify methods of compliance for proper removal or encapsulation of asbestos:

that the agency will at 9:30 a.m., Thursday, October 10, 1985, in the Auditorium, Office Building No. 2, 12th and Franklin, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 22, 1985.

The authority under which these rules are proposed is Substitute Senate Bill 4209, chapter 387, Laws of 1985.

The specific statute these rules are intended to implement is Substitute Senate Bill 4209, chapter 387, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 7, 1985.

Written or oral submissions may also contain data. views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for adoption or in response to written comments received before the deadline.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

> G. David Hutchins, Assistant Director Industrial Safety and Health Division Post Office Box 207 Olympia, Washington 98504 (206) 753-6500

> > Dated: August 29, 1985 By: R. A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: Chapter 296-65 WAC, Asbestos removal and encapsulation.

Statutory Authority: Substitute Senate Bill 4209, chapter 387, Laws of 1985.

Specific Statute that Rules are Intended to Implement: Same.

Summary of the Rule(s): Chapter 296-65 WAC, Asbestos removal and encapsulation is a new Washington Administrative Code which concerns the removal or encapsulation of asbestos. Workers are required to have a minimum of thirty hours of training before working with asbestos. The proposed rules will provide specifications for the certification of training programs for the removal or encapsulation of asbestos, as well as provide specifications for the certification of qualified asbestos workers, establish certain fees, and identify methods of compliance for proper removal or encapsulation of asbestos.

Reasons Supporting the Proposed Rule(s): To ensure safe and healthful working conditions for every person working in the state of Washington; and to be in compliance with federal regulations.

Agency Personnel Responsible for Drafting: Stephen M. Cant, Industrial Hygiene Chief, Department of Labor and Industries, Division of Industrial Safety and Health, 814 East 4th Avenue, Olympia, Washington 98504, (206) 753-6497; Implementation: G. David Hutchins, Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, 814 East 4th Avenue, Olympia, Washington 98504, (206) 753-6500; and Enforcement: Same as above.

Name of Person or Organization, Whether Private, Public or Governmental that is Proposing the Rule(s): Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

Portions of the rules are necessary to comply with a federal law, 29 U.S.C. subsection 667 (c)(2).

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Chapter 296-65 WAC, Asbestos removal and encapsulation is a new Washington Administrative Code which concerns the removal or encapsulation of asbestos. Workers are required to have a minimum of thirty hours of training before working with asbestos. The proposed rules will provide specifications for the certification of training programs for the removal or encapsulation of asbestos. as well as provide specifications for the certification of qualified asbestos workers, establish certain fees, and identify methods of compliance for proper removal or encapsulation of asbestos.

It is estimated the initial cost of certification of qualified asbestos workers will be \$1,000.00 per affected employee. The requirement of recertification every two years will cost approximately \$200.00 per affected employee.

> Chapter 296-65 WAC Asbestos Removal and Encapsulation.

NEW SECTION

WAC 296-65-001 PURPOSE AND SCOPE. This standard regulates asbestos removal and encapsulation, requires minimum training for asbestos workers and establishes a training certification and notification program for asbestos projects.

NEW SECTION

WAC 296-65-003 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this

(1) "Approved" means approved by the department.
(2) "Asbestos" includes different forms of chrysotile, amosite, crocidolite, tremolite, anthophyllite and actinolite.

- (3) "Asbestos fibers" means asbestos fibers longer than 5
- (4) "Asbestos project" includes the construction, demolition, repair, maintenance or renovation of any public or private building, mechanical piping equipment or system involving the demolition, removal, encapsulation, salvage, or disposal of material releasing or likely to release asbestos fibers into the air.
- (5) "Auxiliary project" means a work activity which does not directly involve an asbestos project but which may disturb or expose asbestos or asbestos-containing materials.
- (6) "Certificate" means the certificate issued by the department.
 (7) "Contractor" includes any partnership, firm, association, corporation or sole proprietorship that contracts to perform the removal or encapsulation of asbestos.
 - (8) "Department" means the department of labor and industries.
- (9) "Demolition" includes the wrecking or removal of any loadsupporting structural member of a facility including any related handling operations.
- (10) "Encapsulation" means the application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).
 (11) "HEPA filtration" means high efficiency particulate air filtra-
- tion found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.
- (12) "NESHAP" means the National Emission Standards for Hazardous Air Pollutants.
- (13) "Person" means any partnership, firm, association, corporation, sole proprietorship or the state of Washington or its political subdivisions.
- (14) "Qualified asbestos worker" means an individual who is certified by the department to undertake an asbestos project.
- (15) "Removal" includes the stripping of any asbestos containing materials from the surface or components of a facility.
- (16) "Renovation" includes altering in any way one or more facility components. Operations in which load-supporting structural members are wrecked or removed are excluded.
- (17) "Repair" includes the restoration of asbestos containing insulation that has been damaged, usually located on pipes, boilers, tanks, turbines, ducts or other facility components. Repair usually consists of the application of duct tape, rewettable glass cloth, canvas, cement or other suitable material to seal exposed areas where asbestos fibers may be released. Repair of previously encapsulated asbestos containing materials may involve filling damaged areas with non-asbestos substitutes and reencapsulating. Repair of enclosures around asbestos containing materials is contemplated by this term.
- (18) "Structural component" includes any pipe, duct, boiler, tank, reactor, turbine or furnace at or in a facility or any structural member of a facility.
- (19) "Structural member" means any load-supporting or non-loadsupporting member of a facility such as beams, walls, and ceilings.
- (20) "Structure" means an entire facility, building or major portion thereof, such as a building wing.

- WAC 296-65-005 TRAINING COURSE CONTENT. An approved basic asbestos course shall consist of at least 30 hours of training. The initial training course shall provide, at a minimum, information on the following topics:
- (1) The physical characteristics of asbestos including types, fiber size, aerodynamic characteristics and physical appearance.
- (2) Examples of different types of asbestos and asbestos containing materials. Real asbestos may be used only for observation by trainees and must be enclosed in glass or plastic.
- (3) The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period of diseases, hazards to immediate family, and the health basis for asbestos standards.
- (4) Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedure, methods for field checking of the facepiece-to-face seal (positive and negative pressure checks), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g. eye glasses and facial hair), the

- components of a proper respiratory protection program, respirator program administrator, requirements on oil lubricated reciprocating piston compressors for breathing air, and selection and use of personal protective clothing.
- (5) Use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.
- (6) Medical monitoring procedures and requirements, including the provisions of WAC 296-62-071 through 296-62-07121 and 296-62-07517, any additional recommended procedures and tests, benefits of medical monitoring and employee access to records.
- (7) Air monitoring procedures and requirements, including the requirements of WAC 296-62-07517, including a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, current standards with proposed changes if any, employee observation and notification, recordkeeping and employee access to records, interpretation of air monitoring results, and analytical methods for bulk and air samples.
- (8) State-of-the-art work practices for asbestos removal and encapsulation activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, enclosure and repair shall be discussed individually.
- (9) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area.
- (10) Additional safety hazards that may be encountered during asbestos removal and encapsulation activities and hazard abatement; including electrical hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces, noise, and heat stress.
 - (11) The requirements, procedures and standards established by:
- (a) The Environmental Protection Agency, 40 CFR Part 61, Subparts A and M.
- (b) Washington State Department of Ecology.
- (c) Local air pollution control agencies.
- (d) Washington State Department of Labor and Industries, Division of Industrial Safety and Health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), Chapter 387, Laws of 1985 (Asbestos Removal and Encapsulation), and ensuing regulations.
 - (12) Real world problems.

NEW SECTION

- WAC 296-65-010 QUALIFIED ASBESTOS WORKER CER-TIFICATION. (1) For the purposes of this section "individual" means any natural person.
- (2) Individuals shall pass, in a manner approved by the department, a written examination demonstrating familiarity with issues relevant to the safe performance of asbestos related activities.
- (a) Upon successful completion of an approved training course the department will issue a certificate establishing the worker as a qualified asbestos worker.
- (b) To be considered timely, an application for a qualified asbestos worker certificate must be received by the department no later than 60 days after the completion date of an approved training course.
- (3) No individual shall perform any asbestos project work prior to issuance of the certificate. The certificate is valid for two years from the date of issuance.
- (4) Qualified asbestos workers shall attend a 7-hour refresher course prior to certificate renewal.
- (a) The course shall, at a minimum, adequately review the subjects required by WAC-296-65-005, update information on state-of-theart procedures and equipment, and review regulatory changes and interpretations. Specific subjects may be required by the department.
- (b) An application for renewal of the certificate must be accompanied by proof of attendance in an approved refresher training course.
- (c) To be considered timely, the certificate renewal application must be received by the department no later than 60 days after the certificate expiration date.
- (5) The certificate shall be available for inspection at all times during an asbestos project.

(6) The department may suspend or revoke a certificate for failure of the holder to comply with any applicable health or safety standards.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-65-015 TRAINING COURSE CERTIFICATION. Basic and refresher asbestos training courses may be provided by any person, environmental health consulting firm, union, trade association, educational institution, public health organization, individual, governmental agency, or other entity.

(1) Each course shall be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers. Course content shall be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the

(2) Sponsors of basic and refresher training courses proposed for approval must submit:

(a) Background information about course sponsors;

(b) Course locations and fees;

(c) Copies of course handouts;

(d) A detailed description of course content and the amount of time

allotted to each major topic;

- (e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;
- (f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each;
- (g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;

(h) A description of course evaluation methods; and

- (i) Any restrictions on attendance (language, class size, affiliation, etc.).
- (3) Application for training course approval and course materials shall be submitted to the department at least 45 days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program Department of Labor and Industries, AX-31hy 814 E. 4th Avenue P.O. Box 207 Olympia, Washington 98504

- (4) Upon approval of a basic or refresher asbestos training course, the department will issue the course sponsor a certificate. The certificate is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (2) and (3) of this section.
- (5) To be considered timely, the training course certificate renewal must be received by the department no later than 60 days after the certificate expiration date.
- (6) Any changes to a training course must be approved by the department in advance.
- (7) The course sponsor shall provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after a course is completed and must include the name and address of each trainee.
- (8) The course sponsor must notify the department at least one week before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.
- (9) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.
- (10) The department may suspend or revoke the certification of a training course if its sponsor fails to maintain the course content and
- quality as initially approved.

 (11) The training course sponsor shall limit each class to a maximum of fifty participants unless granted an exception in writing by the department. To apply for an exception allowing class size to exceed fifty, the course sponsor must submit the following information in

writing to the department for evaluation and approval prior to expanding class size beyond fifty participants.

(a) The class attendance limit;

- (b) The teaching methods and techniques for training the proposed larger class; and
 - (c) The protocol for conducting the written examination.

NEW SECTION

WAC 296-65-020 NOTIFICATION REQUIREMENTS. A copy of any notice of intention to demolish or renovate a facility required to be filed with an air pollution control agency in accordance with NESHAP (40 CFR Part 61) shall be sent directly to the department by each person whose employees, if any, are renovating or demolishing any structure. Notices must be received within the same time periods required under NESHAP and may be mailed to: Asbestos Certification Program, Department of Labor and Industries, AX-31hy, 814 E. 4th Avenue, P.O. Box 207, Olympia, Washington 98504.

NEW SECTION

WAC 296-65-025 CERTIFICATE FEE. (1) A non-refundable administrative fee of twenty-five dollars (\$25.00) shall be assessed for each initial or renewal certificate application. The fee (check or money order) must accompany the certificate application and be made payable to the department. An application form may be obtained from any approved training course instructor or directly from the department.

(2) A non-refundable administrative fee of one hundred fifty dollars (\$150.00) shall be assessed for each initial or renewal application for an approved training course certificate. A check or money order shall accompany any application made under the provisions of WAC 296-

65-015 and be made payable to the department.

NEW SECTION

WAC 296-65-030 METHODS OF COMPLIANCE. (1) No contractor, employee, or other individual is eligible to work on an asbestos project unless properly issued a certificate by the department, except, in the case of an asbestos project undertaken by any partnership, firm, corporation, sole proprietorship or the State of Washington or its political subdivisions in its own facility and by its own employees under the direct on-site supervision of a qualified asbestos worker.

- (2) No person may assign any employee, contract with or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a qualified asbestos worker except in the case of an asbestos project undertaken by any partnership, firm, corporation, sole proprietorship or the State of Washington or its political subdivisions in its own facility and by its own employees under the direct on-site supervision of a qualified asbestos worker.
- (3) In cases excepted under subsections (1) and (2) of this section, the partnership, firm, corporation, sole proprietorship or the State of Washington or its political subdivisions shall annually submit a written description to the department which includes at least the following information:
- (a) The kinds of asbestos projects expected to be undertaken during a period of time not to exceed one year from the date of submission;

(b) The procedures to be used in undertaking asbestos projects; (c) Methods of compliance with chapter 296-65 WAC and chapter

296-62 WAC:

(d) Methods of compliance with any additional procedures required by law for the safe demolition, removal, encapsulation, salvage, and

disposal of asbestos; and (e) The name, address and certification number of the supervising

qualified asbestos worker.

(4) A further written description must be submitted to the department prior to commencing a project, if during the one year period covered by the written description submitted to the department in accordance with WAC 296-65-030(3), previously unidentified or new asbestos projects are proposed.

(5) Written descriptions, shall be mailed to: Asbestos Certification Program, Department of Labor and Industries, AX-31hy, 814 E. 4th

Avenue, P.O. Box 207, Olympia, Washington 98504.

NEW SECTION

WAC 296-65-040 APPEALS - NOTICE AND FILING. (1) Any final Correction Order issued by the department citing a violation of the provisions of Chapter 387, Laws of 1985 or this chapter shall only be appealed to the department. Any appeal from such an order shall be communicated in writing to the department within 30 calendar days of receipt of such order by the appealing party.

- (2) The written notice of appeal shall indicate:
- (a) The specific Correction Order being appealed;
- (b) The name and address of the appealing party;
- (c) The grounds upon which the appealing party considers the Correction Order to be unjust or unlawful;
- (d) A statement of the facts asserted in support of each of the grounds for the appeal;
 - (e) The specific relief sought; and
- (f) A statement that the person signing the notice of appeal has read it and to the best of his or her knowledge, information and belief there are good grounds to support the appeal.
 - (3) The written notice of appeal shall be delivered to:

Asbestos Certification Program Department of Labor and Industries, AX-31hy 814 E. 4th Avenue P.O. Box 207 Olympia, Washington 98504

NEW SECTION

WAC 296-65-045 APPEALS - PROCEDURE. Any appeal of a final Correction Order of the department shall be heard and ruled upon in accordance with the provisions of the Washington Administrative Procedure Act, chapter 34.04 RCW, and chapter 296-08 WAC.

WSR 85-18-046 ADOPTED RULES DEPARTMENT OF SERVICES FOR THE BLIND

[Order 85-10-Filed August 30, 1985]

I, Paul Dziedzic, director of the Department of Services for the Blind, do promulgate and adopt at 921 Lakeridge Drive, Room 202, FW-21, Olympia, WA 98504-0088, the annexed rules relating to:

		_
Amd	WAC 67-25-360	Vocational rehabilitation services—Similar benefits.
Rep	WAC 67-25-180	
Rep	WAC 67-25-185	
Rep	WAC 67-25-190	
Dan	WAC 67 25 200	determining.

WAC 67-25-200 Notification of decision.

This action is taken pursuant to Notice No. WSR 85-15-077 filed with the code reviser on July 22, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rulemaking authority of the Department of Services for the Blind as authorized in chapter 74.18 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1985.

By Paul Dziedzic Director

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

WAC 67-25-360 VOCATIONAL REHABILITA-TION SERVICES—SIMILAR BENEFITS. (1) In as much as full consideration of similar benefits is required by federal regulations, this section prevails over all other sections describing the conditions under which rehabilitation services will be provided. Similar benefits include all sources of public funds and private insurance benefits for which the client may be eligible.

- (2) The following services are provided without full consideration of similar benefits:
 - (a) Evaluation of rehabilitation potential;
 - (b) Counseling;
 - (c) Guidance;
 - (d) Referral;
 - (e) Placement:
- (f) Vocational and other training services not provided in an institution of higher education((;
- (g) Related and necessary services which may be provided to family members:
 - (h) Post-employment services)).
- (3) Training in institutions of higher education may be provided only after the client produces proof of application for and denial of eligibility for federal grant programs. Institutions of higher education include universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing.
- (4) The following services may be provided only after giving full consideration to similar benefits:
 - (a) Physical and mental restoration services;
 - (b) Maintenance;
 - (c) Interpreter services for the deaf;
 - (d) Reader services for the blind;
- (e) Recruitment and training services in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public services employment;
 - (f) Rehabilitation teaching services;
 - (g) Orientation and mobility services for the blind;
- (h) Occupational licenses, tools, equipment, initial stocks and supplies;
 - (i) Transportation:
- (i) Telecommunications, sensory, and other technological aids and devices.
- (5) Clients are required to apply for and accept similar benefits to which they are entitled before rehabilitation funds may be expended for services.
- (6) The vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform clients of known sources of similar benefits and to assist in application for such services when necessary.
 - (7) Exception to policy in two areas of service:
 - (a) Physical and mental restoration; and
- (b) Maintenance may be made with supervisory approval when it has been determined that the lack of such services will delay completion of the client's rehabilitation program.
- (8) The consideration of similar benefits will be documented in the client's case record. The documentation will include sources of assistance considered, whether the

client applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation funding for services in subsections (3) and (4) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 67-25-180 ECONOMIC NEED.

WAC 67–25–185 ECONOMIC NEED—FINAN-CIAL STATEMENT REQUIRED.

WAC 67-25-190 ECONOMIC NEED—STAND-ARDS FOR DETERMINING.

WAC 67-25-200 ECONOMIC NEED-NOTIFI-CATION OF DECISION.

WSR 85-18-047 ADOPTED RULES DEPARTMENT OF SERVICES FOR THE BLIND

[Order 85-11-Filed August 30, 1985]

I, Paul Dziedzic, director of the Department of Services for the Blind, do promulgate and adopt at 921 Lakeridge Drive, Room 202, FW-21, Olympia, WA 98504-0088, the annexed rules relating to prevention of blindness, repealing chapter 67-45 WAC.

This action is taken pursuant to Notice No. WSR 85-15-076 filed with the code reviser on July 22, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule—making authority of the Department of Services for the Blind as authorized in chapter 74.18 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1985. By Paul Dziedzic

Paul Dziedzic Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 67-45-010 PURPOSE AND DEFINITION. WAC 67-45-020 SERVICES TO BE PROVIDED.

WAC 67-45-030 REFERRAL FOR SERVICES.

WAC 67-45-040 ELIGIBILITY.

WAC 67-45-045 ORDER OF SELECTION.

WAC 67-45-050 PROVISION OF SERVICES.

WAC 67-45-060 TERMINATION OF

SERVICES.

WAC 67-45-070 ADMINISTRATIVE REVIEW.

WAC 67-45-075 FAIR HEARING.

WSR 85-18-048 ADOPTED RULES DEPARTMENT OF SERVICES FOR THE BLIND

[Order 85-12-Filed August 30, 1985]

I, Paul Dziedzic, director of the Department of Services for the Blind, do promulgate and adopt at 921 Lakeridge Drive, Room 202, FW-21, Olympia, WA 98504-0088, the annexed rules relating to vending facility program for the blind, amending chapter 67-35 WAC.

This action is taken pursuant to Notice No. WSR 85-15-075 filed with the code reviser on July 22, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Services for the Blind as authorized in chapter 74.18 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 30, 1985.

By Paul Dziedzic Director

AMENDATORY SECTION (Amending Order 84-06, filed 4/16/84)

WAC 67-35-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—PROCEDURE. (1) To select a licensee or vendor to operate an available vending facility, a score is computed for each licensee or vendor. The two vendors ((or)) and two licensees having the two highest scores in each respective category as defined in WAC 67-35-030 will be interviewed by a panel representative of the vendors committee, the BEP director, and the building manager. The vendor or licensee who will operate the available vending facility will be chosen in this interview.

- (2) Vendor score determination:
- (a) A basic evaluation score will reflect a vendor's level of competency, as measured by the financial activities of the vending facility compared with vending facilities whose operations are similar.
- (b) A vendor will receive one additional point for each year of experience in the vending facility program up to five points.
- (c) The basic evaluation score for a vendor is determined by using three items reported on the vendor's monthly report: Gross income, cost of goods purchased and other operating expenses, and net proceeds. The cost of goods purchased and other operating expenses, gross income and net proceeds is determined and converted into a percentage of gross income. The percentages in each category are converted to points, as shown in WAC 67-35-080, and the sum of the two separate scores become the basic evaluation score. The basic evaluation score for each of the most current four quarters will be

averaged, and this average plus points earned by seniority becomes the evaluation score.

- (d) To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into three classifications: Cafeterias, vending machine facilities, and other facilities. Other facilities consist of dry stands, snack bars and lunch counters. Any vending facility which as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification. The vendors committee in conjunction with the director of the business enterprise program will group similar vending facilities.
- (e) For each group of vending facilities, the national average percentage is used to calculate each item used in the evaluation. These average percentages will be taken from the previous year's Randolph-Sheppard Vending Facility Program Annual Report, which is provided by the United States Department of Education, Office of Rehabilitation Services Administration. The percentages used in the evaluation are the net proceeds to gross income and the cost of goods purchased and other operating expenses. Each federal fiscal year, the vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned.
- (f) Any vendor who has not provided the department with current monthly financial statements will not be eligible to bid on available locations.
 - (3) Licensee score determination:
- (a) Individuals completing department sponsored training. The licensee's score will be the total points correct on the preliminary tests, the final examination, and the Randolph-Sheppard test. The BEP director will assure that the potential number of points remain consistent from quarter to quarter.
- (b) Challenge test licensee's basic evaluation score will be the score he/she receives on the challenge test.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-100 POSTEMPLOYMENT SERV-ICES. A vendor shall be provided with such postemployment services as are necessary to assure that the maximum vocational potential of each blind vendor is achieved. The postemployment services will be provided by the vocational rehabilitation counselor. Postemployment services will be provided in accordance with ((45)) 34 CFR, section ((1361.40)) 361.42 (a)(13).

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

- WAC 67-35-130 BLIND VENDORS COMMITTEE—PURPOSE. (1) The blind vendors committee shall:
- (((1))) (a) Actively participate with the department in major administrative decisions and policy and program development decisions affecting the overall administration of the vending facility program;
- (((2))) (b) Receive and transmit to the department grievances at the request of vendors, and serve as the

- advocates for such vendors in connection with such grievances;
- (((3))) (c) Actively participate with the department in the development and administration of the department's system for the transfer and promotion of vendors;
- (((4))) (d) Actively participate with the department in the development of training and retraining programs for vendors:
- (((5))) (e) Sponsor, with the assistance of the department, meetings and instructional conferences for vendors.
- (2) The department is ultimately responsible for administration of the vending facility program. The department will consider any blind vendor committee written recommendation. If the department does not adopt recommendations proposed by the blind vendor's committee, the department shall notify the committee in writing within thirty days.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-140 VENDING MACHINE IN-COME DISPERSED BY DEPARTMENT. Vending machine income from vending machines on federal property which has been received by the department pursuant to ((45)) 34 CFR, section ((1369.32)) 395.32 (b), (c) and (d) shall be paid to each blind vendor (if any) operating a vending facility on such federal property in an amount not to exceed the average income of all blind vendors in the state of Washington as determined each fiscal year on the basis of each prior year's operation, or the average net income of all blind vendors in the United States, whichever is less.

- (1) No vendor shall receive less vending machine income than he/she was receiving during the calendar year 1973 as a direct result of any limitation imposed on such income by this section.
- (2) No limitation shall be imposed on income from vending machines combined to create a vending facility, when such facility is maintained, serviced or operated by a blind vendor.
- (3) The department shall disperse vending machine income to vendors on at least a quarterly basis.
- (4) Vending machine income from vending machines on federal property received by the department and not eligible for distribution to blind vendors under the provisions of this section shall be retained by the department.
- (5) Vending machine income which is retained under subsection (4) of this section shall be used by the department for the establishment and maintenance of retirement or pension funds, for health insurance contributions, and for the provision of paid sick leave and vacation time, for vendors, if it is so determined by a majority vote of all vendors after the department has provided to each vendor information on all matters relevant to such purposes. Any vending machine income not necessary for such purposes shall be used by the department for the maintenance and replacement of equipment, the purchase of new equipment, management services, and assuring a fair minimum return to vendors.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-180 ACCESS TO PROGRAM AND FINANCIAL INFORMATION. The department shall provide to any interested person program and financial information and interpretation concerning the operation of the program, except that confidential information concerning any applicant, trainee, licensee or vendor shall not be released directly or indirectly without written permission of such applicant, trainee, licensee, or vendor as specified in ((Title 45)) 34 CFR, ((Chapter 8, Part 1361.47)) 361.49; chapter 42.17 RCW and attendant regulations; and department policy B-21.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-190 DEPARTMENT RESPONSI-BILITY—DEVELOPMENT OF NEW VENDING FACILITY LOCATIONS. (1) The staff of the vending facilities and negotiate with the property management a permit or contract specifying the space to be occupied, hours of operation, services and articles to be vended, equipment to be installed and other items as required. The permit or contract will be executed between the department and the management of the property where the vending facility is located.

(2) A suitable location or site shall mean an area fully accessible to vending facility patrons and having:

(a) A minimum of two hundred fifty square feet available for the vending and storage of articles necessary for the operation of a vending facility; and

(b) Sufficient electrical, plumbing, heating, and ventilation outlets for the location and operation of a vending facility in accordance with applicable health laws and building codes; and

(c) A building population that is determined by the business enterprise program staff to be sufficient to provide the blind vendor with reasonable income.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-280 DEPARTMENT RESPONSI-BILITY—INSPECTION—REQUIRED CONTACTS. The vending facility program staff will make ((bimonthely)) annual inspections of the vending facility. The results will be reviewed with the vendor to determine if improvements can be made, and if so, what actions should be taken. ((To the maximum extent possible the bimonthly inspections will occur at various times of the day so as to include the different activities of the vending facility:)) The vending facility program staff upon adequate notice to the vendor shall inspect records and reports kept by the vendor.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-310 PUBLIC LIABILITY INSUR-ANCE. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:

\$500,000.00 each person personal injury,

\$500,000.00 each occurrence personal injury, and \$500,000.00 each occurrence property damage; or insurance coverage specified in the permit or contract, ((which ever)) whichever is greater.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-350 VENDOR RESPONSIBILITY—MAINTAINING EQUIPMENT. The vendor will be responsible to exercise proper care of and maintain all equipment and furnishings assigned to the facility including proper cleanliness and mechanical repair of equipment, unless otherwise specified by the terms and conditions of a permit or contract. If the vendor fails to maintain equipment which results in necessary repair, the department may require necessary repair of such equipment and the cost of such required repair ((may become the sole responsibility of the vendor)) will be paid as outlined in WAC 67-35-230.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-460 RELICENSING. When a licensee's or vendor's license has been suspended by the department, he/she must meet the requirements in WAC 67-35-040, and must demonstrate competency in meeting the criteria of the training course through a period of evaluation or retraining ((at the department of services for the blind in order to become relicensed. Upon relicensing, the licensee or vendor shall retain his/her last previously established evaluation score)) as outlined in WAC 67-35-055. Upon completion of the training/evaluation the individual will take the challenge test as indicated in WAC 67-35-056.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-520 FULL EVIDENTIARY HEAR-ING—DECISION IN WRITING. Within ten working days after the conclusion of the full evidentiary hearing the director of the department or his/her designee will certify findings to the licensee or vendor in writing specifying in detail the findings and the decision reached, and informing the licensee or vendor of his/her right to request from the secretary of the United States Department of ((Health,)) Education ((and Welfare)) the convening of an ad hoc arbitration panel as provided for in ((45)) 34 CFR, section ((1369.13)) 395.13 and section ((1369.6(e))) 395.6(e).

WSR 85-18-049 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-117-Filed August 30, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon will have been taken north of the Queets River; the Queets to Leadbetter fishery will close for evaluation of the harvestable remainder after relaxing the three mile restriction to correct species allocation imbalances.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 30, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-56-19000W SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Washington waters at the mouth of the Columbia River west of a line drawn true north-south through Buoy 10, or Strait of Juan de Fuca waters westerly of a line projected true north from the mouth of the Sekiu River except as provided for in this section:

(1) Those waters westerly of the mouth of the Sekiu River and northerly of a line projected true west from the mouth of the Queets River: Open to salmon fishing until 11:59 p.m. August 29, 1985, then closed from 12:01 a.m. August 30 to 11:59 p.m. August 31, 1985, then open from 12:01 a.m. to 11:59 p.m. September 1, 1985, except closed to salmon fishing within an area bounded by a line projected from the shoreline one mile due north from the mouth of the Sekiu River, thence westerly meandering one mile off shore to a point one mile due west of Cape Flattery, thence southerly in a straight line to the Umatilla Reef Light, thence due east to shore. Special bag limit of two salmon daily, except it is unlawful to retain or possess chinook salmon, and all

chinook salmon must be returned to the water immediately. Minimum size 16 inches for coho salmon.

(2) Those waters southerly of a line projected true west from the mouth of the Queets River and northerly of a line projected true west from Leadbetter Point: Open to salmon angling until 11:59 p.m. September 2, 1985. Bag Limit F.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000V SALTWATER SEASONS AND BAG LIMITS—SALMON. (85-116)

WSR 85-18-050 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-118-Filed August 30, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is necessary to harvest available surpluses of sea urchins. This is an experimental fishery to facilitate development of a revised management plan.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-52-07400C SEA URCHIN—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-52-074, effective immediately until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except at the times and in the areas as provided for in this section:

(1) September 3, 1985 until further notice – Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20B and 22A, except for those areas shown as closed in WAC 220-52-073.

(2) October 1, 1985 until further notice – Those waters of the Strait of Juan de Fuca easterly of a line projected due north from the mouth of Rasmussen Creek (approximately seven miles east of Neah Bay) and westerly of a line projected due north from the mouth of the East Twin River.

WSR 85-18-051 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-119—Filed August 30, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye/pink fisheries under the direction of IPSFC. Opening in Area 7B provides opportunity to harvest non-Indian chinook allocation. Area 8 opening provides opportunity to harvest non-Indian allocation of Skagit origin pink salmon. Opening in 12B provides opportunity to harvest non-Indian allocation of Hood Canal chinook. Opening in Area 12C provides opportunity to harvest non-Indian Hood Canal chinook and coho allocations. All other marine and freshwater areas are closed to prevent

overharvest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED August 30, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-47-607 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective September 1, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound

Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5–7/8-inch maximum mesh when open. Areas 6, 6A, 7, 7A – Under control of International Pacific Salmon Fisheries Commission. Gill net gear restricted to 5–7/8-inch maximum mesh when open.

*Area 7B - Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, the night of September 2 through the morning of September 3. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

*Area 8 - Closed except gill nets using 5-inch minimum to 6-inch maximum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of September 2 through the morning of September 6. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.

*Area 12B - Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of September 2 through the morning of September 6. Fishery exclusion zones applicable to Area 12B commercial fisheries are described in WAC 220-47-307.

*Area 12C - Closed except gill nets using 5-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, the nights of September 2 through the morning of September 6, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, September 3 through September 5 and from 5:00 AM to 4:00 PM September 6. That portion south of a line projected from Lake Cushman powerhouse to the public boat ramp at Union is closed to all commercial fishing. Additional fishery exclusion zones applicable to Area 12C commercial fisheries are described in WAC 220-47-307.

*Areas 6B, 6D, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 1, 1985.

WAC 220-47-606 PUGET SOUND COMMER-CIAL FISHERY RESTRICTIONS (85-109).

WSR 85-18-052 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-120—Filed August 30, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 4B, 5, 6C provide protection for Puget Sound and Canadian chinook stocks while allowing a limited impact immobile set net fishery. Restrictions in 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in 10D, 10G provide protection for Lake Washington sockeye while allowing harvest of chinook. Restrictions in Area 10 provide protection for summer/fall chinook returning to Suquamish Hatchery and Nisqually pink salmon. Restrictions in Areas 11 and 13 provide protection for Nisqually and Puvallup pink salmon. Restrictions in Areas 13A, Minter Creek and the White and Nooksack rivers provide protection for Puget Sound spring chinook stocks. Restrictions in the Skagit River provide protection for spawning salmon stocks. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Area 6D and the Elwha and Dungeness rivers provide protection for summer/fall chinook and pink stocks. Restrictions in the Hoko, Lyre, Pysht and Sekiu rivers provide protection for local summer/fall chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer/fall chinook stocks, while allowing harvest of pinks. Restrictions in Area 8A provide protection for Stillaguamish chinook. Restrictions in Area 12C provide protection for milling chinook stocks destined for Hoodsport and Enetai hatcheries. Restrictions in Area 10C and the Cedar River protect Lake Washington origin sockeve and chinook. Restrictions in Areas 6B and 9 protect south sound and natural Hood Canal pink salmon. Restrictions in Area 11A and the Nisqually and Puyallup rivers provide protection to local pink salmon stocks. Restrictions in the Dosewallips, Duckabush and the Hamma Hamma rivers provide protection to local pink salmon stocks, while providing harvest opportunity with selective gear.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1985.

By Russell W. Cahill
for William R. Wilkerson

Director

NEW SECTION

WAC 220-28-513 PUGET SOUND COMMER-CIAL SALMON FISHERY RESTRICTIONS. Effective September 1, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 6B, 9 – Effective through September 14, gill net gear restricted to 7-inch minimum mesh, and other gear must release pink salmon when open.

Area 6D, Dungeness and Elwha Rivers – Closed to all commercial fishing through September 21.

Areas 6, 6A, 7, 7A – Gill net gear restricted to 5–7/8-inch maximum mesh when open. Area 7C and Samish River – Closed to all commercial fishing.

Area 8A – Closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D. *Area 10 – (1) Effective through September 29, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock. (2) Effective through September 14, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

Area 10C and Cedar River – Closed to all commercial fishing until further notice.

Area 10D – (1) Effective through October 5, gill net gear restricted to 6–1/2-inch minimum mesh and all other gear must release sockeye. (2) Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.

Area 10G – Effective through September 28, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye when open.

*Area 11 - Effective through September 14, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

Area 11A – Effective through September 7, gill net gear restricted to 7-inch minimum mesh when open.

*Area 12C - Effective through September 28, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodsport Marina dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.

Area 13 excluding those waters of Hale Passage southerly of the Fox Island Bridge and northerly of the southernmost cable crossing – Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

*Area 13A – Effective through September 14, closed to all commercial fishing in that portion within a 1000-foot radius from the outer oyster stakes off Minter Creek including Minter Bay.

*Nooksack (upstream of the confluence of the forks) – Effective through September 28, closed to all commercial fishing.

Skagit River upstream of Baker River - Effective until further notice, closed to all commercial fishing.

Stillaguamish River – Effective through September 21, gill net gear restricted to 6inch maximum mesh when open.

Puyallup River – Effective through September 7, gill net gear restricted to 7–1/2-inch minimum mesh when open.

Nisqually River – Effective through September 28, gill net gear restricted to 7-1/2-inch minimum mesh when open.

Minter Creek and White, Lyre, Pysht, Hoko, and Sekiu rivers – Effective through September 28, closed to all commercial fishing.

*Dosewallips, Duckabush and Hamma Hamma rivers – Effective through October 19, closed to all commercial gill net gear and all other gear must release pinks when open.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 1, 1985.

WAC 220-28-512 PUGET SOUND COMMER-CIAL SALMON FISHERY RESTRICTIONS (85-108)

WSR 85-18-053 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-121-Filed September 2, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable number of coho salmon has been taken.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 2, 1985.

By Russell W. Cahill

for William R. Wilkerson Director

NEW SECTION

WAC 220-57-16000U COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. September 3, 1985:

- (1) In those waters downstream from Wells Dam to the Highway 12 Bridge at Pasco – Bag limit C, except that the daily bag limit may contain two sockeye salmon.
- (2) In those waters downstream from the Highway 12 Bridge at Pasco to the Megler-Astoria Bridge Bag limit A.
- (3) In those waters downstream from the Megler-Astoria Bridge to a line drawn true north-south through Buoy 10 it is unlawful to fish for or possess salmon taken for personal use.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 3, 1985.

WAC 220-57-16000T COLUMBIA RIVER. (85-113)

WSR 85-18-054 EMERGENCY RULES DEPARTMENT OF GAME

(Game Commission)

[Order 272—Filed September 3, 1985]

Be it resolved by the state Game Commission, acting at Bellingham, Washington, that it does adopt the annexed rules relating to amendment to Washington game fish seasons and catch limits—Martha Lake (Warm Beach) (Snohomish County), adopting WAC 232-28-61418.

We, the state Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is Martha Lake (Warm Beach) in Snohomish County is scheduled for rehabilitation. In order to optimize the catch of remaining trout, the season should be extended 60 days beginning at 12:01 a.m. on September 3, 1985.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 10, 1985.

By Jack S. Wayland for Archie U. Mills Chairman, Game Commission

NEW SECTION

WAC 232-28-61418 AMENDMENT TO WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—MARTHA LAKE (WARM BEACH) (SNOHOMISH COUNTY). Notwithstanding the provisions of WAC 232-28-614, Martha Lake (Warm Beach) (Snohomish County) will have a 60-day game fishing season extension beginning at 12:01 a.m. on September 3, 1985.

WSR 85-18-055 NOTICE OF PUBLIC MEETINGS COMMUNITY COLLEGE DISTRICT TWELVE

[Memorandum—August 30, 1985]

There is a change in the date of the regular September meeting of the Community College District Twelve board of trustees.

The September meeting has now been scheduled for Tuesday, September 24, 1985, instead of Thursday, September 12. The location and time remain the same as earlier reported.

WSR 85-18-056 ADOPTED RULES COMMUNITY COLLEGE DISTRICT TWELVE

[Order 85-1, Motion No. 85-56—Filed September 3, 1985]

Be it resolved by the board of trustees of Community College District 12, acting at South Puget Sound Community College, Board Room, 2011 Mottman Road S.W., Olympia, WA 98502, that it does adopt the annexed rules relating to amendment of chapter 132L-140 WAC, environmental protection, and specifically rules and procedures concerning WAC 132L-140-020, responsible officer.

This action is taken pursuant to Notice No. WSR 85–14–119 filed with the code reviser on July 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Community College District 12 as authorized in chapters 28B.50, 28B.19 and 28B.52 RCW.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 22, 1985.

By Dale A. Miller District President

Chapter 132L-140 WAC ENVIRONMENTAL PROTECTION

WAC

132L-140-020 Responsible officer.

AMENDATORY SECTION (Amending Order 83-2, filed 8/9/83)

WAC 132L-140-020 RESPONSIBLE OFFICER. In compliance with WAC 197-10-820, ((the Dean of Administrative Services at each college)) the District Director of Facilities and Capital Planning is designated to be the "responsible official" for carrying out this policy.

WSR 85-18-057 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed September 3, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-05-390 Seniority.

Amd WAC 356-06-020 Exemptions-Exceptions.

Amd WAC 356-06-055 Exempt-Classified service-Movement

between.

Amd WAC 356-49-040 Inter-system movement between Higher

Education Personnel Board/State Personnel Board jurisdiction;

that the agency will at 10:00 a.m., Thursday, October 10, 1985, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 8, 1985.

Dated: August 30, 1985 By: Leonard Nord Secretary

STATEMENT OF PURPOSE

Amend WAC 356-05-390.

Title: Seniority.

Purpose: Defines "seniority."

Statutory Authority: RCW 41.06.150.

Summary: Delete reference to RCW 41.06.070(22) and replace with reference to RCW 41.06.070(26). Delete reference to WAC 356-06-055(6) and replace with reference to WAC 356-49-040.

Reasons: The proposed changes are housekeeping changes.

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, phone 754-1769; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-06-020.

Title: Exemptions—Exceptions.

Purpose: To list those positions and agencies which are exempt from the state civil service law.

Statutory Authority: RCW 41.06.150.

Summary: Delete the last sentence of subsection (19). Update the total number of additional exemptions permitted under this subsection to 187.

Reasons: The last sentence of this subsection is not needed. The same information appears in WAC 356-06-055(2).

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, phone 754-1769; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-06-055.

Title: Exempt—Classified service—Movement between.

Purpose: To explain the return rights of employees who leave the classified service for exempt positions and/or whose classified positions are exempted.

Statutory Authority: RCW 41.06.150.

Summary: Revise subsection (2) to make the intent more clear; move subsection (6) to chapter 356-49 WAC of the merit system rules; delete subsection (8); housekeeping changes to subsection (7).

Reasons: Some agencies have applied this rule improperly because the language in subsection (2) has been unclear. The proposed revisions would clarify this rule.

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, phone 754-1769; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-49-040.

Title: Inter-system movement between Higher Education Personnel Board/State Personnel Board jurisdiction.

Purpose: To allow for the movement of classified employees under the jurisdiction of the Higher Education Personnel Board to positions under the jurisdiction of the State Personnel Board.

Statutory Authority: RCW 41.06.150.

Summary: Add a subsection (3) to allow classified employees under the jurisdiction of the Higher Education Personnel Board who have been or are going to be separated due to reduction in force to be certified to vacant classified positions under the jurisdiction of the State Personnel Board.

Reasons: This is a housekeeping change. The subsection described above currently appears in WAC 356-06-055. This subsection is more appropriately placed in WAC 356-49-040.

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, phone 754-1769; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-390 SENIORITY. A measure of the last period of unbroken time served in positions in the classified service under the iurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction in force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070 (((22)))(26), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC ((356-06-055(6))) 356-49-040. The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-06-020 EXEMPTIONS—EXCEPTIONS. With the exceptions noted in subsection (20) of this section the provisions of these rules do not apply to:

- (1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.
- (2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.
- (3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.
 - (4) Employees of the state printing office.
 - (5) The officers of the Washington state patrol.
 - (6) Elective officers of the state.
 - (7) The chief executive officer of each agency.
- (8) In the departments of employment security and fisheries, the director and the director's confidential secretary.
- (9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.
- (10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.
- (11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.
 - (a) All members of such boards, commissions or committees.
- (b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:
 - (i) The secretary of the board, commission or committee.
- (ii) The chief executive officer of the board, commission or committee.
- (iii) The confidential secretary of the chief executive officer of the board, commission or committee.
- (c) If the members of the board, commission or committee serve on a full-time basis:
- (i) The chief executive officer or administrative officer as designated by the board, commission or committee.
- (ii) The confidential secretary to the chairman of the board, commission or committee.
- (d) If all members of the board, commission or committee serve ex
 - (i) The chief executive officer.
 - (ii) The confidential secretary of such chief executive officer.
- (12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.
 - (13) Assistant attorneys general.
- (14) Commissioned and enlisted personnel in the military service of the state.
- (15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:
- (a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.
 - (b) Part-time local health officers.
- (c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.
- (d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

- (e) Patient and resident help in the covered institutions.
- (f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.
- (g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.
- (16) All officers and employees in those commissions made exempt by legislative action, namely:
 - (a) Washington state fruit commission.
 - (b) Washington state apple commission.
 - (c) Washington state dairy products commission.
 - (d) Washington state wheat commission.
- (e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.
- (f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.
- (17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.
- (18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.
- (19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred ((seventy-five)) eightyseven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.
- ((Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:
- If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary:))
- (20) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (17) of this section. (5) addition, the provisions of WAC 356-14-125 and 356-30-302 shall apply to exempt management employees whose salaries and fringe benefits are determined by the personnel board.

AMENDATORY SECTION (Amending Order 204, filed 5/23/84, effective 9/1/84)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to

a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

(i) Termination of employment in such exempt position, or

- (ii) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.
- (2) ((Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.)) When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1) of this section.

- (b) If the employee is not appointed to the exempted position or to another exempt position but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position previously held, or to a position of similar nature and salary.
- (3) Employees exercising return rights within the time specified, as provided in ((WAC 356-06-055)) subsection (1) of this section, shall return:
 - (a) At the time of separation or application, whichever is later.
- (b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.
- (c) With the same status they last held at the time they left the classified service.
- (d) With their seniority credited with the full time of their absence from the classified service and with no break in service.
- (4) ((An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.
- (5))) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-330.
- (((6) Classified employees under the jurisdiction of the higher education personnel board who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction in force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board provided:
- (a) The employees are qualified as determined by the director of personnel, or designee; and
- (b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and
- (c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction in force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

(7))) (5) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction in force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (((21))) (24) or (((22))) (26) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

- (b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or certifications from the reduction in force register.
- (((8) Permanent classified employees of the higher education personnel board may promote, transfer, or voluntarily demote to positions under the jurisdiction of the state personnel board as provided in chapter 356-49 WAC and other applicable merit system rules.))

AMENDATORY SECTION (Amending Order 204, filed 5/23/84, effective 9/1/84)

WAC 356-49-040 INTER-SYSTEM MOVEMENT BETWEEN HIGHER EDUCATION PERSONNEL BOARD/STATE PERSONNEL BOARD JURISDICTION. (1) Permanent classified employees desiring to promote, transfer, or voluntarily demote to state personnel board classified positions must:

(a) Submit a Washington state application for employment in accordance with a current examination announcement.

(b) Successfully complete the designated examination.

- (c) Have their name placed on the appropriate register as provided in WAC 356-26-070.
 - (d) Be certified to vacancy(ies) as provided in WAC 356-26-070.
- (e) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the appropriate eligible list as provided by the higher education personnel board rules (Title 251 WAC).
- (2) Permanent classified employees desiring to promote, transfer, or voluntarily demote to state personnel board classified positions will:
- (a) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employees to the new position.
- (b) Bring their accumulated vacation leave, sick leave and seniority with them; however, continued accumulation will be governed by the appropriate merit system rules.
- (c) Retain their former periodic increment date except upon promotion as provided by WAC 356-14-120.
- (3) Classified employees under the jurisdiction of the higher education personnel board who have been or are going to be separated because of reduction in force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board, provided:

(a) The employees are qualified as determined by the director of personnel, or designee; and

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction in force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

WSR 85-18-058 PROPOSED RULES BUILDING CODE COUNCIL

[Filed September 3, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state Building Code Council intends to adopt, amend, or repeal rules concerning an update and amendment of the state building code by adoption of the 1985 edition of the following codes: Uniform Building Code and Uniform Building Code Standards; Uniform Mechanical Code; Uniform Fire Code and Uniform Fire Code Standards; and Uniform Plumbing Code Standards.

The state Building Code Council will hold public hearings on the update and amendment of the state building code by adoption of the 1985 edition of the uniform codes in the following locations: 9:00 a.m., Friday, October 18, 1985, Main Auditorium, U.S. Department of Energy, 800 Jadwin Avenue, Federal Building, Richland, WA, and at 9:00 a.m., Friday, November 1, 1985, Seattle Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 15, 1985

The authority under which these rules are proposed is chapter 360, Laws of 1985.

The specific statute these rules are intended to implement is section 2, chapter 360, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1985.

Dated: August 16, 1985 By: Lynn Carmichael Chair

STATEMENT OF PURPOSE

Title: Chapter 51-16 WAC, state building code update and amendment; adoption of the 1985 editions of the uniform codes.

Statutory Authority and Specific Statute the Rule is Intended to Implement: Section 2, chapter 360, Laws of 1985

Summary of the Rule and Statement of the Reasons Supporting the Proposed Action: The proposed rules update the state building code by adopting the current (1985) editions of the following codes by reference: Uniform Building Code and Uniform Building Code Standards; Uniform Mechanical Code; Uniform Fire Code and Uniform Fire Code Standards; and Uniform Plumbing Code Standards.

The council is proposing to make certain amendments to the codes which it has deemed appropriate after extensive review by the council together with a technical committee made up of representatives of affected agencies, associations and professions appointed by the council.

The update of the codes and the amendments proposed are in accordance with the requirements of section 2(1)(a), chapter 360, Laws of 1985, and do not conflict with other provisions of this statute.

The codes proposed for update are regional codes and are reviewed at regular intervals by the associations publishing them on the basis of the latest information and experience, and to permit the use of new or improved methods and materials. Prior to the enactment of chapter 360, Laws of 1985, cities and counties had authority to adopt the new editions of the code prior to their adoption by the legislature as the state code. Chapter 360, Laws of 1985, prohibits local governments from adopting codes for single and multiple family buildings which vary from the state code without approval from the state Building Code Council.

The adoption of these rules will provide for a timely update of the codes to the most recent editions and will provide uniformity in building standards throughout the state.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Lynn Carmichael, Chair, State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, phone (206) 753-0738.

Name of the Organization Proposing the Rule: State Building Code Council.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: The rules are necessary to carry out the intent of chapter 360, Laws of 1985, which charges the council with the responsibility to maintain the codes of the state building code in a status which is consistent with the state interest as enumerated in section 6, chapter 360, Laws of 1985.

Whether the Rule is Necessary as the Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: Not applicable. The proposed rules update existing codes only and do not substantially change them or impose economic hardships on small businesses.

Chapter 51-16 WAC

State Building Code Update and Amendment Adoption of the 1985

Editions of the Uniform Codes

NEW SECTION

WAC 51-16-010 AUTHORITY. These rules are adopted under the authority of section 2, chapter 360, Laws of 1985.

NEW SECTION

WAC 51-16-020 PURPOSE. The purpose of these rules is to implement the provisions of Chapter 360, Laws of 1985, which provides that the State Building Code Council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in section 6 of the act. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-16-030 UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS. The 1985 edition of the Uniform Building Code, and the 1985 edition of the Uniform Building Code Standards as published by the International Conference of Building Officials is hereby adopted by reference: PROVIDED, that section 1706 (a), exception 7 of the Uniform Building Code is not adopted.

NEW SECTION

WAC 51-16-040 UNIFORM MECHANICAL CODE. The 1985 edition of the Uniform Mechanical Code, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials is hereby adopted by reference.

NEW SECTION

WAC 51-16-050 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. The 1985 edition of the Uniform Fire Code and the 1985 edition of the Uniform Fire Code Standards published by the International Conference of Building Officials, and the Western Fire Chiefs Association is hereby adopted by reference: PROVIDED, That section 10.207 of the Uniform Fire Code is not adopted; PROVIDED, further That not withstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles.

WAC 51-16-060 UNIFORM PLUMBING CODE AND UNIFORM PLUMBING CODE STANDARDS. The 1985 edition of the Uniform Plumbing Code and the 1985 Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference: PROVIDED That chapters 11 and 12 of this code are not adopted.

NEW SECTION

WAC 51-16-070 TIMEFRAME FOR SUBMITTAL OF PROPOSED CITY OR COUNTY AMENDMENTS. All proposed city or county amendments to the State Building Code required to be submitted to the Council under the provisions of Section 2 (1)(b) of Chapter 360, Laws of 1985 shall be submitted to the Council for review not less than 90 days prior to the proposed effective date of such amendments. The Council shall approve or deny all local amendments based on their consistency with the minimum performance standards and objectives of Chapter 360, Laws of 1985.

WSR 85-18-059 PROPOSED RULES SEATTLE COMMUNITY COLLEGE DISTRICT

[Filed September 3, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Seattle Community College District intends to adopt, amend, or repeal rules concerning:

Amd ch. 132F-116 WAC Traffic rules and regulations.

Amd ch. 132F-136 WAC Policy on the use of college facilities.

Amd ch. 132F-168 WAC Access to public records.

Amd ch. 132F-166 WAC Access to public records.

Amd ch. 132F-325 WAC State Environmental Policy Act rules;

that the institution will at 4:00 p.m., Wednesday, October 9, 1985, in the Seattle Community College District Office Board Room, 300 Elliott Avenue West, Seattle, WA 98119, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 15, 1985.

The authority under which these rules are proposed is chapter 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before October 9, 1985.

Dated: September 3, 1985 By: Donald G. Phelps Chancellor

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: Chapter 132F-116 WAC, Traffic rules and regulations; chapter 132F-136 WAC, Policy on the use of the college facilities; chapter 132F-168 WAC, Access to public records; and chapter 132F-325 WAC, State Environmental Policy Act rules.

Statutory Authority: RCW 28B.50.140(13).

Specific Statute that Rule is Intended to Implement: Chapter 28B.50 RCW.

Summary of the Rules: Chapter 132F-116 WAC contains rules for motor vehicle usage within jurisdiction of Seattle Community College District. Changes bring

the procedures up-to-date with current operating practices; chapter 132F-136 WAC provides guidelines for use of facilities by employees and members of the community and includes restriction of use. Amendments are grammatical to assure correlation with in-house procedures; chapter 132F-168 WAC cites the law defining a public record and provides guidelines for accessing. Changes reflect updates to administrative titles; and chapter 132F-325 WAC provides guidelines for compliance with chapter 43.21C RCW, the State Environmental Policy Act, for proposed SCCD capital projects. Changes reflect current operating procedures.

Reasons Supporting Proposed Action: Chapters 132F-116, 132F-136, 132F-168 and 132F-325 WAC are all incorporated into policies and procedures located in the "general district operations" section of our in-house policies and procedures manual which we are currently updating.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Donald G. Phelps, Chancellor and Secretary to the Board of Trustees of Seattle Community College District VI, 300 Elliott Avenue West, Seattle, WA 98119.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Change: Seattle Community College District VI.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

This rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not applicable.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-020 PERMITS REQUIRED FOR VEHICLES. No person shall park or leave any vehicle, whether attended or unattended, upon any officially designated parking area of Seattle Community College District ((\frac{VI}{V})) without a valid parking permit. No vehicle shall be parked in any parking area without a permit for that area, except state owned vehicles used by the college. (((++))) A valid permit is:

(((a))) (1) An unexpired parking decal properly registered and displayed in accordance with instructions.

(((b))) (2) An authorized temporary or visitor permit, displayed in accordance with the instructions on the permit.

(((2) Parking permits are not transferable.

(3) The college reserves the right to refuse the issuance of a parking permit.))

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-040 AUTHORIZATIONS FOR ISSUANCE OF PERMITS. The safety and security officer of each ((college)) campus and the district ((VH)) office((s)) is authorized to issue parking permits to faculty members, administrative personnel, students and visitors ((of)) to the ((college)) campuses or district pursuant to the provisions of these rules and regulations.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-100 PARKING—SPECIAL EXEMPTIONS. (1) Consideration shall be given to provide parking for the following (on a space available basis)((:)). Temporary permits shall be issued by the campus or district parking office.

(a) Visitors and guests.

(b) Members of the press, television and radio on official business.

(((b) Vehicle[s])) (c) Vehicles owned by contractors and their employees working on campus construction.

(((2))) (d) Members of the college board of trustees and retired employees of the Seattle Community College District ((will)), upon request, shall be given complimentary annual permits.

(((3))) (e) Federal, state, county, and city ((and school district personnel on official business and in)) vehicles with tax exempt licenses.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-110 PARKING AREAS AND PERMIT DES-IGNATION. Purchasers of district ((VI)) parking permits may be required to park in specified areas as designated by the ((college)) campus or district safety and security officer.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-120 ALLOCATION OF PARKING SPACE AND PRIORITIES. The parking space available on the various district ((VI)) sites shall be assigned to faculty, staff and students in such manner as to best effectuate the objectives of these regulations. Assignments of parking spaces shall be the responsibility of the campus security officer as directed by the president/chancellor of the ((college)) campus or district to represent the interests of faculty, staff and students.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

IMPOUNDING—ILLEGAL WAC 132F-116-130 ING-DISABLED VEHICLES. (1) Impounding: This action shall be at the discretion of the ((college)) campus or district security officer regarding any infractions pursuant to these regulations. Impounding may be implemented by mechanical restraints to vehicles on district property or by towing to an approved impounding agency. Release from impound on district property will be made upon payment of a ((\$5)) \$15.00 fee.

- (2) Towing companies and/or impounding agencies will be selected on the basis of criteria developed by the ((colleges)) campuses and the
- (3) Neither the ((college)) campuses nor district nor its employees shall be liable for loss or damage of any kind resulting from impounding and storage.

(4) Any vehicle impounded on or from district ((VI)) property, shall be at the owner's risk and expense.

(5) No vehicle other than those vehicles mentioned in ((section 116-090 feedified as WAC 132F-116-1001) WAC 132F-116-100 shall be parked on district ((\forall I)) property for a period in excess of 72 hours. Vehicles violating this regulation are subject to impounding at the owner's risk and expense.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-140 PERMIT REVOCATIONS. (1) Parking permits are the property of the district and may be recalled for any of the following reasons:

- (a) When the purpose for which the permit was issued changes or no longer exists.
- (b) When a permit is used by an unregistered vehicle or by an unauthorized person.
 - (c) Continued violations of parking regulations.

(d) Counterfeiting or altering decals.

(2) Vehicles displaying cancelled permits will be subject to penalties indicated in ((section 116-120 [codified as WAC 132F-116-130])) WAC 132F-116-130.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-150 FEES AND FEE PAYMENTS. (1) The parking fees shall be established, as appropriate, by the district board of trustees. The fee structure shall be on file at individual ((college)) campus business offices and the district purchasing office.

(2) Method of payment. Annual permits – payroll deduction only. Students, hourly and irregular employees - cash in advance (minimum of one-quarter).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132F-116-070 DUPLICATE PERMITS.

AMENDATORY SECTION (Amending Order 3, filed 9/20/72)

WAC 132F-136-010 USE OF ((COLLEGE)) SEATTLE COM-MUNITY COLLEGE DISTRICT FACILITIES. Because the Seattle Community College is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which either are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of the state.

AMENDATORY SECTION (Amending Order 38, filed 5/27/81)

WAC 132F-136-020 LIMITATION OF USE TO SCHOOL ACTIVITIES. The college buildings, properties, and facilities, including those assigned to student programs, may be used only for:

- (1) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.
- (2) Cultural, educational, or recreational activities of the students or of the faculty or staff.
- (3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.
- (4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.
- (5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.
- (6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the ((college)) district, its students, faculty, administration or the board of trustees, whether implicit or explicit, of the speaker's views.
- (7) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the ((college)) Seattle Community College District community. Such arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with published ((college)) district regulations and on the basis of time, space availability, priority of request and the demonstrated need((s)) of the individual, group or organization.
- (8) Use of space shall not interfere with regularly scheduled classes or activities. Physical abuse of assigned facilities may result in limitation of future allocation of space to the offending parties. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

AMENDATORY SECTION (Amending Order 44, Resolution No. 1984-22, filed 10/10/84)

WAC 132F-136-030 LIMITATION OF USE. (1) Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, research, or public service programs.

(2) In general, the facilities of the college shall not be rented to, or used by, private or commercial organizations or associations, nor shall the facilities be rented to persons or organizations conducting programs for private gain.

- (3) College facilities may not be used for commercial sales, advertising, or promotional activities except when such activities clearly serve educational objectives (as in display of books of interest to the academic community or in the display or demonstration of technical or research equipment) and when they are conducted under the sponsorship or at the request of a college department, administrative office or student organization.
- (4) College facilities may not be used for purposes of political campaigning ((by or for candidates who have filed for public office)) except for student-sponsored activities.
- (5) Activities of <u>a</u> commercial or political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside rooms or facilities to which access has been granted.
- (6) College facilities are available to recognized student groups, subject to these general policies and to the rules and regulations of the college governing student affairs.
- (7) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful in character may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer and regulated by established guidelines shall not be construed as support or approval of the content by the college community or the board of trustees.
- (8) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.
- (9) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.
- (10) The right of peaceful dissent within the college community shall be preserved. The college retains the right to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is an illegitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.
- (11) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.
- (12) Peaceful picketing and other orderly demonstrations are permitted in public areas and other places set aside for public meetings in college buildings. Where college space is used for an authorized function, such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities, groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.
- (13) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the ((college)) district may choose to impose its own sanctions although remedies might be available through local law enforcement agencies.

AMENDATORY SECTION (Amending Order 38, filed 5/27/81)

WAC 132F-136-040 ADMINISTRATIVE CONTROL. The board hereby delegates to the chancellor authority to set up administrative procedures for proper review of the use of ((college)) Seattle Community College District facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

AMENDATORY SECTION (Amending Order 38, filed 5/27/81)

WAC 132F-136-050 TRESPASS. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the ((campus)) president, or ((his)) designee, to leave the college property. Such a request will be deemed to prohibit the entry of, withdraw the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave, and subject such individuals to arrest under the provisions of chapter 9A.52 RCW.

- (2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in ((accord)) accordance with established college policies.
- (3) Persons who violate or are in violation of a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license or privilege to be on district property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

AMENDATORY SECTION (Amending Order 35, filed 11/21/77)

WAC 132F-136-060 PROHIBITED CONDUCT AT ((COLEGE)) SEATTLE COMMUNITY COLLEGE DISTRICT FACILITIES. (1) State law relative to public institutions govern the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful narcotics or drugs, not medically prescribed, on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in ((college)) Seattle Community College District facilities shall be subject to disciplinary action.

- (2) A lottery or any other form of gambling is prohibited at Seattle Community College District.
- (3) The use of tobacco is restricted by law and by regulations of the fire marshal to designated smoking areas.
- (4) Destruction of property is also prohibited by state law in reference to public institutions.

AMENDATORY SECTION (Amending Order 35, filed 11/21/77)

WAC 132F-136-070 CONTROL OF PETS IN ((COLLEGE)) SEATTLE COMMUNITY COLLEGE DISTRICT FACILITIES. Pets are not permitted in campus buildings or on the grounds except guide dogs for ((the)) totally or legally blind persons as provided in chapter 70.84 RCW (the white cane law).

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-030 REQUEST FOR DOCUMENT INSPECTION. (1) As defined by RCW 42.17.020(26), a public record "includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics." Public records are presumptively available for public access, except as restricted by WAC 132F-168-050. Any person wishing to inspect a public record shall submit Form 1, "request for inspection of public records" WAC 132F-168-100. Each request must be presented to a dean of instruction, dean of students, registrar((s, district)), director of ((employee relations and personnel, business managers)) personnel services, dean of administrative services, chancellor, or to their secretaries during regular office hours of the school, as defined in WAC 132F-168-080.

(2) The officer to whom the request is presented shall, by the close of the following business day: (a) Make the requested document available, or (b) state that such a document does not exist, or (c) ask for clarification of the document requested, or (d) deny access because the document is exempt from public inspection under WAC 132F-168-050. The action taken shall be marked on Form 1 and returned to the person submitting the form.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-040 APPEAL. (1) If request is denied by the officer pursuant to WAC 132F-168-030, the person requesting the document may appeal to the appropriate ((campus)) president or to the ((district president)) chancellor. The appellant shall file Form 2, together with Form 1 as returned, with the secretary to the ((campus)) president or ((district president)) chancellor, during the day the appeal is returned, if returned prior to 3 p.m., or by 11 a.m. the following business day if returned after 3 p.m. A ((campus)) president or the ((district president)) chancellor shall answer the appeal by returning Form 2 to the person requesting the record before the end of the second business day following the original denial of inspection on Form 1, unless a later time is indicated in the form. In all cases, the person requesting the record shall be notified by the end of the second business day of the disposition of the request.

(2) If an appeal is filed after the time required in WAC 132F-168-040(1), then the return date shall be the end of the second business

day following the filing of the appeal.

(3) The filing of a request and the return of Form 1 and Form 2 indicating disposition, is made by leaving the form with the secretary of the officer. The secretary of the officer shall mark the time and date of:
(a) The receipt of the form, (b) the return of the form with disposition, and (c) the demand made for return by the person submitting the form. A request shall be deemed denied or an appeal denied only after the person filing the form has been notified by the secretary of the dean, personnel officer, president or ((district president)) chancellor. In all cases, the person shall be notified by the end of the second business day.

(4) Administrative remedies shall not be considered exhausted until the ((eampus)) president or the ((district president)) chancellor has returned the appeal form by the close of the second business day. An appeal may then be made to the board of trustees at the next scheduled board meeting.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-050 EXEMPTIONS. (1) Public access shall not be granted to documents exempt under RCW 42.17.310, "certain personal and other records exempt," unless the officer determines that disclosure would not affect any vital governmental interest. If the interest can be protected by deletion of personal references, access shall be granted following deletion of such material, and a reasonable time shall be allowed for deleting the material.

(2) Examination of individual files of Seattle Community College District students shall be in accordance with the provisions of district policy ((310)) 380, student records ((and federal register, Part 99

privacy rights of parents and students)).

(3) Individual files of applicants, employees, and officers of Seattle Community College District are available only to members of the faculty and staff of Seattle Community College District who are entrusted with the care and custody of the files, to supervisory personnel, and to the business staff for purposes necessary to ((carrying)) carry out their functions. The only information contained in the individual file of employee which shall be available for public inspection shall be the name, status, salary and teaching duties of the employee. ((The)) Employees, however, shall have full access to ((his)) their personnel files as agreed upon in the employee—organization contract.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-060 COPYING. Persons granted access to public records pursuant to Form 1 shall be allowed to obtain copies of such documents as they desire upon the payment of twenty-five cents per copy page. Copies of documents will be made by an authorized staff member of the Seattle Community College District on any available copier. Payment for copies shall be made to a cashier of the ((college)) campus/district who will issue a receipt which must be presented to the person in charge of the copying machine. The charge of twenty-five cents per copy page is the reasonable cost of paper and copying charges for Seattle Community College District.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-070 PROTECTION OF PRIVACY. Any student, employee or applicant who believes a document has been or is about to be released, and who believes his or her right to privacy will be infringed by public inspection of the document, may file a protest with the appropriate campus president or the district president. If, after consideration of the request for inspection and the protest, the ((campus)) president or the ((district president)) chancellor believes inspection should be denied, he should take appropriate action as listed in RCW 42.17.330, "court protection of public records."

AMENDATORY SECTION (Amending Order 16, filed 10/4/73)

WAC 132F-168-080 OFFICE HOURS. For purposes of this chapter, the regular office hours of Seattle Community College District shall be considered ((9)) $\underline{8}$ a.m. through ((4)) $\underline{4:30}$ p.m., Monday through Friday; except for legal holidays for state employees.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-090 SANCTIONS. If a person granted access to public records pursuant to this chapter destroys, mutilates or ((who))

returns the documents in an unreasonably disorganized fashion, a ((campus)) president or ((district president)) chancellor may order that that person be denied further access to documents of the Seattle Community College District. Any person wishing to contest such an order may request a hearing before the president or his designee concerning the charges, and such a hearing shall be considered a contested case for purposes of chapter 28B.19 RCW.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-100 REQUEST FOR INSPECTION OF PUBLIC RECORDS—FORM 1.

COMMUNITY COLLEGE DISTRICT VI
REQUEST FOR INSPECTION OF PUBLIC RECORDS—FORM 1

	•••••	To be completed by applicant
То:		
The applica	ant re	quests inspection of the following documents:
The application of the derly fashion		rees to return the documents unharmed and in an or-
		Signed
STRUCTIO PLOYEE	N, DI	FORM TO THE CHANCELLOR, A DEAN OF IN- EAN OF STUDENTS, DISTRICT DIRECTOR((, EM- THONS AND)) OF PERSONNEL, ((BUSINESS EAN OF ADMINISTRATIVE SERVICES, OR THE SEC- E OF THE ABOVE OFFICIALS.
***************************************	*********	To be completed by campus official
	The	requested document is available for inspection.
	The	district is not in possession of such a document.
	ed as	se clarify precisely what documents are being requests it cannot be determined from your application what ments are desired.
	The	request is denied because the document is:
	(a)	Personal information in a file maintained for a stu- dent of this institution.
	(b)	Personal information in a file maintained for an employee of the district, disclosure of which would violate the employee's right to privacy.
	(d)	A preliminary draft, note, recommendation or intra- agency memorandum in which opinions are express- ed or policies formulated or recommended, which document has not been publicly cited by this agency in connection with an agency action. A record which is relevant to a controversy to which
		this agency is a party which record would not be available to another party under the rules of pretrial discovery.
L	(e)	The document contains personal information which, when deleted, can be released, and such deletions will be completed by
	(f)	Other
		Signed
Time/Date	Form	n Received
MAY BE A TRICT PRI PRIOR TO OF THE BU THE APPE NESS DAY	APPEA E SIDE 3 P.M JSINE AL SI	MAKE A RECORD AVAILABLE FOR INSPECTION LED TO A ((CAMPUS)) PRESIDENT OR THE ((DISNT)) CHANCELLOR. IF THE REQUEST IS DENIED I., THE APPEAL SHOULD BE FILED BY THE CLOSE SS DAY. IF THE REQUEST IS DENIED AFTER 3 P.M., HOULD BE FILED BY 11 A.M. OF THE NEXT BUSI-

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-110 REQUEST FOR INSPECTION OF PUBLIC RECORDS—FORM 2.

COMMUNITY COLLEGE DISTRICT VI
REQUEST FOR INSPECTION OF PUBLIC RECORDS—FORM 2

(Appropriate ((campus/district)) president/ <u>chancellor</u>)
applicant has been denied inspection of a document which is posed by Seattle Community College District. The denial was made owing submission of Form 1 (attached hereto).
applicant appeals the disposition made on Form 1 and requests to review this denial prior to the close of the second business day owing the denial of the request.
Signed
sent this form to the secretary of the ((campus)) president or the strict president)) chancellor.
appellant understands the president/chancellor is not available 1, and agree to an extension of the return time 1
DISPOSITION
Inspection of the documents is granted.
Inspection will be granted following deletion of personal materials
in the requested documents.
Inspection of the document is denied because
•
Inspection of the document is denied because

AMENDATORY SECTION (Amending Order 31, filed 9/20/76)

WAC 132F-325-010 SEATTLE COMMUNITY COLLEGE DISTRICT ENVIRONMENTAL POLICY. (1) Capital projects proposed by Seattle Community College District shall, to the fullest extent possible, be developed in a manner consistent with the provisions of the State Environmental Policy Act (SEPA) – chapter 43.21C RCW, the council on environmental policy SEPA guidelines – chapter 197-10 WAC, and the SBCCE SEPA implementation rules – WAC 131-24-030.

(2) The "responsible official," for the purposes of this policy, shall be the ((district president)) chancellor or the ((college)) respective campus presidents ((for their respective campuses)).

AMENDATORY SECTION (Amending Order 31, filed 9/20/76)

WAC 132F-325-030 THRESHOLD DETERMINATION. (1) The responsible official shall make a "threshold determination" (a decision whether or not an environmental impact statement is required) following procedures contained in WAC 197-10-300 through 197-10-340.

(2) An environmental checklist ((is required to)) must be completed in the determination process except for exemptions noted in WAC 197-10-170, 197-10-175 and 197-10-180, or when it is predetermined an environmental statement is required.

NEW SECTION

WAC 132F-325-070 INSTRUCTIONS. Detailed instructions for filing and preparation for the above are contained in WAC 197-10-170 through 197-10-695.

WSR 85-18-060 EMERGENCY RULES DEPARTMENT OF NATURAL RESOURCES

[Order 468—Filed September 3, 1985]

- I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of emergency rules regulating burning, logging, land clearing, and other industrial operations which may cause a fire to start on lands protected by the Department of Natural Resources.
- I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to existing fire conditions in certain places in Washington and the lack of adequate resources currently available to take suppression action on wildfires, it is necessary to regulate the use of fire and operations which may cause a fire to start.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 3, 1985.

By Brian J. Boyle Commissioner of Public Lands

NEW SECTION

WAC 332-26-090b HOOT OWL LOGGING RE-STRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight Tuesday, September 3, 1985, through midnight Wednesday, September 4, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in the:

Olympic Area – shutdown zones 652, 653, 654

South Puget Sound Area – shutdown zones 652, 654, 659

Northwest Area – shutdown zone 658

Southwest Area – shutdown zones 660, 621 East

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- 1) WAC 332-26-089b OUTDOOR RULE BURN-ING SUSPENSION IN WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPART-MENT OF NATURAL RESOURCES.
- 2) WAC 332-26-090a HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON.
- 3) WAC 332–26–091a HOOT OWL LOGGING RESTRICTIONS ON LANDS UNDER THE PRO-TECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON.
- 4) WAC 332-26-092 CANCELLATION OF BURNING PERMITS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES.

NEW SECTION

WAC 332-26-092a CANCELLATION OF BURNING PERMITS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RE-SOURCES. Effective midnight Tuesday, September 3, 1985, through midnight Wednesday, September 4, 1985, all burning permits on lands protected by the Department of Natural Resources are cancelled.

NEW SECTION

WAC 332-26-091b HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON. Effective midnight Tuesday, September 3, 1985, through midnight Wednesday, September 4, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those saws used on landings, to cease operations from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing

saws to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in Chelan, Kittitas, Yakima, and Klickitat Counties.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

NEW SECTION

WAC 332-26-089c OUTDOOR RULE BURN-ING SUSPENSION ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight Tuesday, September 3, 1985, through midnight Wednesday, September 4, 1985, all privileges to burn without a written permit, as granted under WAC 332-24-090, OUTDOOR FIRE FOR RECREATIONAL OR DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT, are suspended on all lands protected by the Department of Natural Resources in Western Washington.

WSR 85-18-061 ADOPTED RULES DEPARTMENT OF CORRECTIONS

[Order 85-07-Filed September 3, 1985]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to transfer of citizens of foreign countries, adopting chapter 137-67 WAC.

This action is taken pursuant to Notice No. WSR 85-15-093 filed with the code reviser on July 24, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.68.010 which directs that the secretary of the Department of Corrections has authority to implement the provisions of RCW 43.06.350 and 72.68.010.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 3, 1985.

By Amos E. Reed Secretary

Chapter 137--67 WAC TRANSFER OF CITIZENS OF FOREIGN COUNTRIES

WAC	
137-67-010	Purpose.
137-67-015	Definitions.
137-67-020	Request for transfer.
137-67-025	Initial notification.
137-67-030	Process for application.
137–67–035	Referral by the secretary to the Office of International Affairs, Criminal Division, Department of Justice.
137-67-040	Verification hearing.
137-67-045	Return to state custody.

NEW SECTION

WAC 137-67-010 PURPOSE. The rules in this chapter establish the process for inmates of adult correctional institutions to apply for transfer to their countries of citizenship or origin in accordance with RCW 43.06.350.

NEW SECTION

WAC 137-67-015 DEFINITIONS. (1) "Department" is the department of corrections.

- (2) "Adult correctional institution" and "institution" is a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.
- (3) "Secretary" is the secretary of the department of corrections or the secretary's designee.
- (4) "Director" is the director of the division of prisons of the Washington state department of corrections or the director's designee.
- (5) "Superintendent" is a superintendent of an adult correctional institution or the superintendent's designee.
- (6) "Treaty nation" is a country which has entered into a treaty with the United States on the execution of penal sentences.
- (7) "Treaty" is a treaty under which an offender, sentenced in the courts of one country, may be transferred to the country of which the offender is a citizen or national, for the purpose of serving the sentence.
- (8) "Country of origin or citizenship" is the country in which the inmate was born or in which the inmate has duly recognized citizenship.
- (9) "OIA" is the Office of International Affairs, Criminal Division, United States Department of Justice.
 - (10) "United States" is the United States of America.
- (11) "Detainer" is a hold or request for notification placed by any local, state, or federal law enforcement, penal, or prosecutional agency based on untried charges, parole or probation violation, escape, unexpired sentence, bond-jumping, or any other fugitive matter.

NEW SECTION

WAC 137-67-020 REQUEST FOR TRANSFER. An inmate committed to the Washington corrections system who is a citizen of a foreign country may make an application for a voluntary transfer to the inmate's

- country of origin or citizenship, provided the following conditions exist:
- (1) The inmate is able to establish citizenship in a treaty nation;
 - (2) The inmate voluntarily requests the transfer;
- (3) There is no unresolved detainer lodged against the inmate:
- (4) There is no pending fine or restitution obligation imposed on the inmate by a court of competent jurisdiction in the United States;
- (5) There is no pending or actual sentence for civil contempt against the inmate; and
- (6) There is no pending appeal or collateral attack on the underlying sentence or sentences which form the basis of the inmate's custody.

NEW SECTION

WAC 137-67-025 INITIAL NOTIFICATION. At the time of admission to the Washington corrections center, or the Purdy corrections center for women, the orientation information given to all inmates will include information on international offender transfers. An inmate who is a citizen of a treaty nation will be informed of the existing treaty and be provided with the opportunity to indicate an interest or noninterest in a transfer to the inmate's country of origin or citizenship on an application form provided by the department. Whenever possible, the form will be bilingual or translated into the inmate's native language. The application will be processed consistent with the purpose and provisions of the applicable treaty.

NEW SECTION

WAC 137-67-030 PROCESS FOR APPLICATION. After the inmate's foreign country citizenship has been verified and that country has been identified as a treaty nation, the superintendent will forward the inmate's application for transfer and the verification of citizenship to the director. All applications for international transfer will be submitted by the director to the secretary for final department approval and recommended to the governor or the governor's designee pursuant to RCW 43.06.350.

NEW SECTION

WAC 137-67-035 REFERRAL BY THE SEC-RETARY TO THE OFFICE OF INTERNATIONAL AFFAIRS, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE. After approval of an inmate's application for transfer by the governor or the governor's designee, the secretary will refer the inmate's application to OIA.

NEW SECTION

WAC 137-67-040 VERIFICATION HEARING. Following OIA approval and approval of the treaty country, the inmate will be referred by OIA to a United States magistrate or a United States district court judge, or other appointed United States official to assure and document the inmate's voluntary request for transfer.

Federal authorities will complete the necessary procedures to effect voluntary transfer under the applicable treaty and laws of the United States.

NEW SECTION

WAC 137-67-045 RETURN TO STATE CUSTODY. If for any reason an inmate's transfer is determined to be invalid, the state of Washington will reaccept the inmate for imprisonment for the remainder of the inmate's original sentence.

WSR 85-18-062 PROPOSED RULES DEPARTMENT OF TRANSPORTATION

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning chapter 468-95 WAC, Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). Adoption of Revision No. 3 to the 1978 MUTCD as an amendment to chapter 468-95 WAC;

that the agency will at 10:00 a.m., Thursday, October 10, 1985, in the Transportation Building, Room 1D 2, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 47.36.030, traffic control devices.

Dated: September 3, 1985

By: Duane Berentson

Secretary

STATEMENT OF PURPOSE

Title: Amendment to chapter 468-95 WAC, adoption of Revision No. 3 to the 1978 Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).

Result of Federal Law or Federal or State Court Action: Implementation of changes in federal regulations.

Statutory Authority: Chapter 47.36 RCW, traffic control devices.

Summary of Rule: Incorporates the 19 official changes described in Revision No. 3 to the 1978 MUTCD. The 19 changes relate to signing and pavement marking and have been approved by the federal highway administrator.

Reason for Rule: Is necessary so that the signing, markings, signals, and construction and maintenance traffic control requirements on Washington streets and highways will remain uniform with those adopted by the federal highway administrator, and as prescribed by state law.

For Further Information: Mr. D. D. Ernst, State Maintenance Engineer for the Department of Transportation, Room 1C-8, Transportation Building, phone 753-6014, is responsible for the drafting and implementation of this rule.

Proponents of Rule: Washington State Department of Transportation.

Agency Comments or Recommendations: The 1978 MUTCD, incorporating Revision No. 3 will continue to provide for uniformity in the application and use of traffic control devices on streets and highways in Washington. The 19 changes in Revision No. 3 should enhance safety and convenience for highway users.

AMENDATORY SECTION (Amending Order 93, filed 12/17/84)

WAC 468-95-010 GENERAL. The Manual on Uniform Traffic Control Devices for Streets and Highways 1978 edition (MUTCD), approved by the Federal Highway Administrator as the national standard for all highways open to public travel; published by the U.S. Department of Transportation, Federal Highway Administration, was duly adopted by Administrative Order No. 51 of the Secretary of Transportation dated March 17, 1980. Revision No. 1 of the 1978 edition was duly adopted by Administrative Order No. 59 of the Secretary of Transportation dated March 16, 1981. Revision No. 2 of the 1978 edition was duly adopted by Administrative Order No. 93 of the Secretary of Transportation dated 12/17/84. Revision No. 3 of the 1978 edition was duly adopted by Administrative Order ... of the Secretary of Transportation dated The manual includes in part many illustrations, some of which depend on color for proper interpretation. The reviser has deemed it inexpedient to convert these regulations and illustrations to the prescribed form and style of WAC and therefore excludes them from publication. Copies of the MUTCD, incorporating Revision No. 1 ((and)), Revision No. 2, and Revision No. 3 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The document is available for public inspection at the headquarters office and all district offices of the Washington state department of transportation. Further, each city, town, and county engineering office in the state will have a copy of the MUTCD with revisions in its possession.

WSR 85-18-063 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2277—Filed September 4, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to health history, physical examinations, amending WAC 388-73-140.

This action is taken pursuant to Notice No. WSR 85-15-062 filed with the code reviser on July 18, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.15.030 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 49, Laws of 1985.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 4, 1985.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-140 HEALTH HISTORY, PHYSI-CAL EXAMINATIONS, IMMUNIZATIONS. This section is not applicable to crisis residential centers and juvenile detention facilities.

- (1) A health history for each person under care shall be obtained when the person is accepted for care, if possible. The health history shall include the date of the person's last physical examination, allergies, any special health problems, and for children, an immunization history.
- (2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant, or certified registered nurse (nurse practitioner) within one year prior to admission, arrangements shall be made for an examination within thirty days. Each severely and multiply—handicapped child shall be under regular medical supervision of a physician. Each child shall be seen by a physician regularly, according to the physician's plan of care as required in WAC 388-73-077.
- (3) Yearly physical examinations are required for each child not under regular medical supervision.
- (4) ((Prior to admission)) Before or ((within forty-five calendar days of)) on the child's first day of attendance, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles) ((unless exempted by RCW 28A.31.108)), and mumps as set forth in WAC 248-100-164(2). (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)
- (5) Children not having received all immunizations as set forth in WAC 248-100-164(2) may be accepted on a conditional basis if immunizations are initiated before or on admission and are completed as rapidly as is medically indicated. Exceptions to the immunization requirement shall be made in the case of a parent or guardian expressing religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

WSR 85-18-064 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2278—Filed September 4, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hearing aids, amending WAC 388-86-040.

This action is taken pursuant to Notice No. WSR 85-15-087 filed with the code reviser on July 23, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 4, 1985.

By David A. Hogan, Director

Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-86-040 HEARING AIDS. (1) The department shall provide to categorically needy recipients:

- (a) One new hearing aid covered by a one-year warranty under the following conditions:
- (i) On prescription of an otolaryngologist, or the attending physician where no otolaryngologist is available in the community, and
- (ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated((; and)).
- (iii) ((When covered by a one-year warranty, and/or)) The recipient is responsible for purchase of batteries, any attachments and replacements.
- (b) A one-time repair of a state purchased or privately owned hearing aid when covered by a ninety-day warranty. After expiration of the warranty, the recipient is responsible for repairs and for purchase of batteries, any attachments and replacements.
- (c) For exceptions to this subsection see WAC 388-87-027.
- (2) ((Hearing aid evaluations are authorized on an individual basis by the CSO.)) Group screening for hearing aids is not permitted under the program.
- (3) ((Prior approval is required for the purchase or trial period rental of hearing aids:
- (4))) Requests for hearing aids on behalf of nursing home residents must be reviewed by a department nursing ((home)) care consultant.
- (((5) After expiration of warranties, the owner is responsible for repairs and for purchase of batteries, any attachments and replacements.
- (6))) (4) Individuals under age eighteen must be referred to the crippled children's service conservation of hearing program.
- $((\frac{7}{1}))$ (5) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.
- (((8) Hearing aids are not provided to recipients of the limited casualty program.))

WSR 85-18-065 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2279—Filed September 4, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to eyeglasses and examination, amending WAC 388-86-030.

This action is taken pursuant to Notice No. WSR 85-15-086 filed with the code reviser on July 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 4, 1985.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1900, filed 11/4/82)

WAC 388-86-030 EYEGLASSES AND EXAMINATIONS. (1) The department shall provide eye examinations and eyeglasses when a refractive error of sufficient magnitude exists to require corrective lenses. Payment for examinations, fitting services and materials shall be made on the basis of rates established by the department or through HMO or optical supplier contracts.

(2) ((Under the limited casualty program)) Only one refraction and one pair of glasses per eligible recipient will be provided during a twelve—month period, except for eye services provided under the EPSDT program, or in extenuating circumstances when medically necessary.

- (3) Prior authorization by the ((CSO medical consultant)) office of the medical director or his designee ((in the county of residence)) is ((not)) required for ((eye examinations performed for the purpose of prescribing corrective lenses except in the provision of certain eyeglasses (lenses or frames))) other special eyeglass services including but not limited to, contact lenses, low vision aids, executive bifocals and trifocals, artificial eyes and two pair of glasses in lieu of bifocal or trifocal lenses.
- (4) ((Examinations, unless medically indicated, are limited to two in a twelve-month period, except for eye examinations and eyeglasses provided to recipients of EPSDT, see chapter 388-86 WAC.

- (5) A)) The choice of frames is limited to frames listed in the current division of medical assistance numbered memoranda ((is offered recipients)) on that subject. Frames are not provided for cosmetic effect or psychological support.
- (((6))) (5) Sunglasses, photochromic or varalux type lenses and orthoptics therapy are not provided.
- (((7) Two pair of glasses in lieu of bifocal or trifocal lenses are not provided.
- (8) Contact lenses and orthoptics therapy are not provided.
- (9)) (6) Except for services as defined in WAC 388–86-027 group screening for eyeglasses is not permitted under the program.

WSR 85-18-066 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2280-Filed September 4, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Time loss compensation—Lien, amending WAC 388–28–392.

This action is taken pursuant to Notice No. WSR 85–15–085 filed with the code reviser on July 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 4, 1985.

By David A. Hogan, Director

By David A. Hogan, Director Division of Administration and Personnel

 $\underline{AMENDATORY\ SECTION}$ (Amending Order 1818, filed 6/2/82)

WAC 388-28-392 COMMUNITY, SEPARATE, AND JOINTLY OWNED PROPERTY—((LABOR AND INDUSTRIES)) <u>TIME-LOSS</u> COMPENSATION—LIEN. (1) The department of social and health services (DSHS) is authorized to file a lien upon ((labor and industries)) <u>the</u> time-loss compensation payable to a recipient of public assistance.

Provisions of this section do not apply to persons when the person's eligibility for ((labor and industries)) time—loss benefits is based upon an injury or illness occurring prior to July 1, 1972.

(2) By accepting public assistance, a recipient is deemed to have subrogated to DSHS his or her right to recover ((net)) time-loss compensation. DSHS shall

compute the department's claim for subrogation up to ((eighty)) one hundred percent of the lesser amount of either the public assistance or time-loss compensation paid, for the periods when both public assistance and time-loss are paid to the injured worker.

- (a) When the public assistance unit is composed of several adults not married to each other, and the adults' dependents in an assistance unit, the claims for subrogation will be made as if the injured worker and his or her dependents were on a separate assistance grant.
- (i) If the unmarried adults on a public assistance grant have a common child, that child will be counted as one of the injured worker's dependents.
- (ii) If an injured worker or one of his or her dependents receives other income which is budgeted against the public assistance grant, the claim for subrogation will be made as if that other income were budgeted against continuing assistance for the injured worker and his or her dependents in the household.
- (b) When the period of duplicated benefits from public assistance and time-loss compensation terminates, or if continuing assistance is paid to supplement time-loss compensation to bring the injured worker's income up to the grant payment standard, DSHS shall make no further claim under this lien against the time-loss compensation.
- (c) In computing the amounts of claims for subrogation, DSHS shall compute the payments for time loss and public assistance paid for less than a full month on the actual number of days paid.
- (3) A copy of the statement of lien and notice to ((the department of labor and industries to)) withhold and deliver time-loss compensation to DSHS shall be mailed to a recipient no later than ((three days)) the next business day after such statement has been sent to the department of labor and industries or the self-insurer.
- (4) DSHS shall advise an applicant or recipient of the provisions of this section when it is known ((that)) such individual may be eligible for time-loss compensation from labor and industries or the self-insurer.
- (5) Any person feeling himself or herself aggrieved by the action of DSHS in impounding his or her time-loss compensation shall have the right to a fair hearing as provided in chapter 388-08 WAC.

WSR 85-18-067 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Order 2281—Filed September 4, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to community options program entry system (COPES), amending WAC 388-15-620 and 388-15-630.

This action is taken pursuant to Notice No. WSR 85-15-084 filed with the code reviser on July 23, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 75.08.090 [74.08.090].

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 4, 1985.

By David A. Hogan, Director

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2101, filed 5/30/84)

WAC 388-15-620 COPES—SERVICES. (1) The following services may be authorized to COPES eligible recipients, based on department assessment of need and plan of care:

- (a) Congregate care as defined in WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients((7)) when this service is required by the department and performed by a registered nurse under the general direction of a licensed physician or dentist. (Refer to RCW 18.88.285 and WAC 308-120-100 through 308-120-522.)
- (b) Adult family care as defined in WAC 388-15-551 through 388-15-555.
 - (c) Adult day health.
- (d) Home health services as defined in WAC 388-86-
- (e) Personal care services ((which include)) are services provided to a person residing in his or her estabresidence including meal preparation, lished dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, laundry, and writing are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment. Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family.
 - (f) Case management.
- (2) Additional personal care services may not be authorized to recipients residing in congregate care facilities or adult family homes((, since personal care is provided by these facilities)).
- (3) Adult day health and home health services are provided only when the recipient requires congregate care, adult family home services, or personal care. The ((average)) actual cost for adult day health and home health services must be included in the total plan of care costs.
- (4) Applicants whose incomes exceed the cost for services are not eligible for COPES.

AMENDATORY SECTION (Amending Order 2101, filed 5/30/84)

WAC 388-15-630 COPES—PAYMENT—PROCEDURES. (1) All nonexempt income of a person receiving COPES services shall be allocated according to procedures in WAC 388-83-200.

- (2) The department shall pay to the providers of congregate care, home health services, adult day health care, and adult family home care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.
- (3) The department shall pay for care of recipients living in the nonrelated provider's established residence at the adult family home rate when the provider's home is a licensed and contracted adult family home.
- (4) The department shall pay for personal care services provided by a relative, except a spouse. Payment to a father, mother, son, or daughter shall be made only when:
 - (a) The relative will not provide the care unpaid, and
- (b) The relative's income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.
- (5) The department shall pay for personal care of a recipient residing in his or her established residence at least the federal minimum hourly wage rate((s)) to individual and independent providers ((of personal care)), but shall not pay more than three dollars and ((eighty-five)) ninety-seven cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-five cents per hour.
- (((4))) (6) The department shall pay to private and public agencies providing personal care the same hourly unit rate reimbursement established by the department for chore services personal care.
- (((5))) (7) Payments for COPES services plus the recipient's income allocated for maintenance in the home shall not exceed ninety percent of the average state—wide monthly rate for nursing home care.
- $((\frac{(6)}{(5)}))$ (8) Income allocated for maintenance needs in the home cannot exceed the medically needy income level(($\frac{1}{(5)}$).

WSR 85-18-068 PROPOSED RULES BUILDING CODE COUNCIL

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state Building Code Council intends to adopt, amend, or repeal rules concerning adoption of amendments to the Washington state energy code, chapter 51-12 WAC.

The state Building Code Council will hold public hearings in the following locations on the adoption of amendments to the Washington state energy code, chapter 51-12 WAC: 9:00 a.m., Friday, October 18, 1985, Main Auditorium, U.S. Department of Energy, 800

Jadwin Avenue, Federal Building, Richland, WA, and at 9:00 a.m., Friday, November 1, 1985, Seattle Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 15, 1985.

The authority under which these rules are proposed is chapter 144, Laws of 1985.

The specific statute these rules are intended to implement is section 2, chapter 144, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1985.

Dated: August 16, 1985 By: Lynn Carmichael Chair

STATEMENT OF PURPOSE

Title: Chapter 51-12 WAC, amendment of the state energy code.

Statutory Authority and Specific Statute the Rule is Intended to Implement: Section 2, chapter 144, Laws of 1985.

Summary of the Rule and Statement of the Reasons Supporting the Proposed Action: Will revise the state energy code, chapter 51–12 WAC, to comply with the guidelines established by the legislature for the level of conservation to be achieved through the code. Section 2(3), chapter 144, Laws of 1985, provides that the council shall publish the proposed revision as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective January 1, 1986.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Lynn Carmichael, Chair, State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, phone (206) 754-2168.

Name of the Organization Proposing the Rule: State Building Code Council.

Agency Comments or Recommendations if any Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: Necessary to carry out the directives of chapter 144, Laws of 1985, which charges the state Building Code Council with the responsibility to prepare and adopt a revised state energy code to be effective January 1, 1986.

Whether the Rule is Necessary as the Result of Federal Law or Federal or State Court Action: The rules will assist in meeting the model conservation standards adopted by the Northwest Power Planning Council.

Small Business Economic Impact Statement: Not applicable. The proposed rules implement conservation standards established by legislative guidelines.

Chapter 51-12 WAC WASHINGTON STATE ENERGY CODE

Chapter 1
ADMINISTRATION AND ENFORCEMENT
Scope and General Requirements

WAC

51-12-100 Section 100. Title. 51-12-101 Section 101. Intent.

51-12-102	Section 102. Scope.	51-12-419	Section 419. (Reserved).
51-12-103	Section 103.	51-12-420	Section 420. Water Heaters, Storage Tanks, Boilers,
51-12-104	Section 104. Materials and Equipment.	51 12 121	and Piping.
51-12-105	Section 105. Alternate Materials—Method of Con-	51-12-421 51-12-422	Section 421. Pump Operation. Section 422. Pipe Insulation.
61 13 106	struction, Design or Insulating Systems. Section 106. Plans and Specifications.	51-12-423	Section 423. Conservation of Hot Water.
51-12-106 51-12-107	Section 100. Flans and Specifications. Section 107. Inspections and Enforcement.	51-12-424	Section 424. Electrical Power and Lighting.
51-12-108	Section 107. Inspections and Emoleciment. Section 108. Severability.	51-12-425	Section 425. Lighting Switching.
51-12-109	Section 109. Violations.	51-12-426	Section 426. Lighting Power Budget.
51-12-110	Section 110. Liability.		Chapter 5
	Chapter 2	RUILDI	ING DESIGN BY SYSTEMS ANALYSIS AND
	DEFINITIONS		NG UTILIZING NON-DEPLETABLE ENERGY
51-12-200	Section 200, General.		SOURCES
51-12-201	Section 201. A.	51-12-500	Section 500. General.
51-12-202	Section 202. B.	51-12-501	Section 501. Energy Analysis.
51-12-203	Section 203. C.	51-12-502	Section 502. Design.
51-12-204	Section 204. D.	51-12-503	Section 503. Analysis Procedure. Section 504. Calculation Procedure.
51-12-205	Section 205. E. Section 206. F.	51-12-504 51-12-505	Section 505. Documentation.
51-12-206 51-12-207	Section 200. P. Section 207. G.	51-12-506	Section 505. Buildings Utilizing Non-depletable
51-12-208	Section 208. H.	J. 12 555	Energy.
51-12-209	Section 209. I.	51-12-507	Section 507. Documentation—Buildings Using Non-
51-12-210	Section 210. J. (Reserved).		depletable Energy Sources.
51-12-211	Section 211. K. (Reserved).		Chapter 6
51-12-212	Section 212. L. Low-rise Residential.	PRES	SCRIPTIVE REQUIREMENTS APPROACH
51-12-213 51-12-214	Section 213. M. Section 214. N.	51-12-600	Section 600. General.
51-12-214	Section 215. O.	51-12-601	Section 601. Low-rise Residential Building Envelope
51-12-216	Section 216. P.		Requirements.
51-12-217	Section 217. Q. (Reserved).	51-12-602	Section 602. Building Mechanical Systems—
51-12-218	Section 218. R.	51 12 602	General.
51-12-219	Section 219. S.	51-12-603	Section 603. Low-rise Residential Service Water Heating.
51-12-220	Section 220. T.	51-12-604	Section 604. Low-rise Residential Electrical Power
51-12-221 51-12-222	Section 221. U. Section 222. V.		and Lighting.
51-12-222	Section 222. V. Section 223. W X Y Z.	51-12-605	Section 605. Building Envelope Requirements for
31 12 223			Other than Low-rise Residential Buildings.
	Chapter 3	51-12-606	Section 606. Building Mechanical Systems Require-
61 12 200	DESIGN REQUIREMENTS		ments for Other than Low-rise Residential Buildings.
51-12-300 51-12-301	Section 300. General. Section 301.	51-12-607	Section 607. Service Water Heating Requirement
51-12-301	Section 302. Climatic Zones.	J. 12 JJ.	for Other than Low-rise Residential Buildings.
51-12-303	Section 303.	51-12-608	Section 608. Electrical Power and Lighting Require-
51-12-304	Section 304. Design Parameters.		ments for Other than Low-rise Residential
51-12-305	Section 305. Ventilation.		Buildings.
51-12-306	Section 306. Methods of Compliance.		
	Chapter 4		CHAPTER 1
	BUILDING DESIGN BY COMPONENT	AD	MINISTRATION AND ENFORCEMENT
	PERFORMANCE APPROACH		Scope and General Requirements
	(Standard Design)		200F2 200 2000 m 2004-000000
51-12-400	Section 400. General.	NEW SECTION	ON
51-12-401	Section 401. (Reserved).	·	12–100 SECTION 100. TITLE.
51-12-402	Section 402. Overall Thermal Performance and Envelope Requirements.		shall be known as the "State Energy Code" and may be
51-12-403	Section 403. Thermal Performance Criteria and En-		and will be referred to herein as "this Code."
51 1 2 105	velope Requirements for Low-rise Residential		
	Buildings.	NEW SECTION	<u>ON</u>
51-12-404	Section 404. Thermal Performance Criteria for All	WAC 51-1	12-101 SECTION 101. INTENT.
51 10 105	Other Occupancies.		e of this Code is to provide minimum standards for new
51-12-405	Section 405. Air Leakage for All Buildings. Section 406. Building Mechanical Systems.		structures or portions thereof to achieve efficient use of
51-12-406 51-12-407	Section 400. Building Mechanical Systems. Section 407. Calculations of Heating and Cooling	energy.	·
31-12-407	Loads.		ed that these provisions provide flexibility to permit the
51-12-408	Section 408. (Reserved).		tive approaches and techniques to achieve effective utili-
51-12-409	Section 409. Simultaneous Heating and Cooling.		gy. These provisions are structured to permit compliance t of this Code by any one of the three paths of design.
51-12-410	Section 410. Energy Recovery.		with any one of these paths meets the intent of this
5112411	Section 411. HVAC Equipment Performance		ode is not intended to abridge any safety or health re-
51-12-412	Requirements. Section 412. Energy for Air Delivery.	quirements rec	quired under any other applicable codes or ordinances.
51-12-412	Section 412. Energy for All Delivery. Section 413. Balancing.		ons of this Code do not consider the efficiency of various
51-12-414	Section 413. Balancing. Section 414. Cooling with Outdoor Air (Economizer		as they are delivered to the building envelope. A deter-
'.'	Cycle).		elivered energy efficiencies in conjunction with this Code
51-12-415	Section 415. Controls.	will provide the	he most efficient use of available energy in new building
51-12-416	Section 416. Air Handling Duct System Insulation.	Constituction.	
51-12-417	Section 417. Duct Construction. Section 418. Piping Insulation.		
51–12–418	Section 410. Figure Historical		

WAC 51-12-102 SECTION 102. SCOPE.

This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for effective use of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

- (a) Exempt Buildings.
 - Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for all purposes.
 - Buildings and structures or portions thereof which are neither heated nor cooled by a depletable energy source, shall be exempt from the envelope requirements. Lighting and equipment shall be in accordance with this Code.
- (b) Application to Existing Buildings.
 - Additions to Existing Buildings. Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.
 - 2. Historic Buildings. The Building Official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in "The National Register of Historic Places" or which have been determined to be eligible for listing.
 - 3. Alterations and Repairs.

Initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

Building Envelope—The result of the alterations or repairs (1) improves the energy efficiency of the building and (2) complies with the nominal R values for opaque envelope insulation and the glazing U values in Table No. 4-1, 4-2, or 4-3 as appropriate, of Chapter 4 or Table No. 6-1, 6-2, 6-3, 6-4, or 6-5 of Chapter 6. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R value while, for roof/ ceilings, maintaining the required space for ventilation. Existing roof/ceilings, walls and floors without framing cavities need not be insulated.

-Building Mechanical Systems—Those parts of systems which are altered or replaced shall comply with this Code. Heating equipment efficiencies for low-rise residential occupancy buildings shall comply with the minimum efficiency requirements of Table 6-4.

with the minimum efficiency requirements of Table 6-4.
—Service Water Heating—Those parts of systems which are altered or replaced shall comply with Section 420.

-Lighting—Those parts of systems which are altered or replaced in buildings initially constructed subject to the requirements of this Code. Other remodels or replacements of lighting systems which are part of a substantial remodel shall comply with Section 425. In addition, other remodels or replacements which affect the lighting system of an entire floor shall comply with the lighting power budgets specified in Table No. 4–18.

The Building Official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in his/her opinion full conformance is physically impossible and/or economically impractical and: (1) the alteration or repair improves the energy efficiency of the building; or (2) the alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

NEW SECTION

WAC 51-12-103 SECTION 103.

In addition to the requirement of this Code, buildings must conform to the provisions included in the State Building Code (chapter 19.27 RCW). In case of conflicts under the Uniform Building, Plumbing, or Mechanical Code; the provisions of the Uniform Codes shall govern.

NEW SECTION

WAC 51-12-104 SECTION 104. MATERIALS AND EQUIPMENT.

- (a) Identification. All materials and equipment shall be identified in order to show compliance with this Code.
- (b) Maintenance Information. Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. Such label may be limited to identifying, by title or publication number, the operation and maintenance manual for that particular model and type of product. Maintenance instructions shall be furnished for any equipment which requires preventive maintenance for efficient operation.

NEW SECTION

WAC 51-12-105 SECTION 105. ALTERNATE MATERIALS—METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS.

The provisions of this Code are not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the Building Official as meeting the intent of the Code.

The Building Official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding performance capabilities.

NEW SECTION

WAC 51-12-106 SECTION 106. PLANS AND SPECIFICATIONS.

- (a) General. With each application for a building permit, and when required by the Building Official, plans and specifications shall be submitted. The Building Official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state. All designs submitted under the provisions of Chapter 5 shall be prepared by an engineer or architect licensed to practice by the state.
 - All plans and specifications, together with supporting data, shall be submitted to the Building Official prior to issuance of a building permit.
- (b) Details. The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems as herein governed including, but not limited to: design criteria, exterior envelope component materials, U values of the envelope systems, R values of insulating materials, size and type of apparatus and equipment, equipment and systems controls and other pertinent data to indicate conformance with the requirements of the Code.
- (c) The Building Official may accept the professional stamp of an architect or engineer licensed to do business in the state in lieu of a plan and specification check if the engineer or architect stipulates to the best of his knowledge, understanding, and belief, the design meets the requirements of this Code.

WAC 51-12-107 SECTION 107. INSPECTIONS AND ENFORCEMENT.

- (a) General. All construction or work for which a permit is required shall be subject to inspection by the Building Official.
- (b) Authority. The Building Official is authorized and directed to enforce this Code. The Building Official is authorized to promulgate, adopt, and issue those rules and regulations necessary to the effective and efficient administration of this Code.
- (c) Inspections. All buildings constructed under the provisions of this Code are subject to a final inspection for compliance with this Code. The Building Official has the authority to establish procedures for accepting substantial compliance with this Code in lieu of a final inspection.

NEW SECTION

WAC 51-12-108 SECTION 108. SEVERABILITY.

If any provision of this Code or its application to any person or circumstance is held invalid, the remainder of the Code or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 51-12-109 SECTION 109, VIOLATIONS.

It shall be unlawful for any person, firm, or corporation to erect or construct any building, or substantially remodel or rehabilitate any existing building or structure in the state, or allow the same to be done, contrary to or in violation of any of the provisions of this Code.

EXCEPTIONS: As provided in section 3, chapter 144, Laws of 1985, a city, town or county may adopt an alternative energy code if the conditions set forth in the statute are met. If a less energy efficient alternate energy code is adopted on the basis that this Code is not costeffective, the city, town, or county shall submit documentation of the relative cost-effectiveness to the State Building Code Council for review and comment prior to adoption.

NEW SECTION

WAC 51-12-110 SECTION 110. LIABILITY.

Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of any city or county or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of this Code.

CHAPTER 2 DEFINITIONS

NEW SECTION

WAC 51-12-200 SECTION 200. GENERAL.

For the purpose of this amendatory act, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

NEW SECTION

WAC 51-12-201 SECTION 201. A.

ACCESSIBLE (as applied to Equipment). Allowing close approach, not guarded by locked doors, elevation or other effective means. (See READILY ACCESSIBLE.)

AIR CONDITIONING. The process of treating air so as to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

AIR TRANSPORT FACTOR. The ratio of the rate of useful sensible heat removal from the conditioned space to the energy input to the supply and return fan motor(s), expressed in consistent units and under the designated operating conditions.

ANNUAL FUEL UTILIZATION EFFICIENCY (AFUE). The amount of energy delivered to the dwelling in the form of useable heat,

as a percentage of the total energy input of the fuel consumed. AFUE refers to a performance rating required under the provision of the National Energy Policy and Conservation Act (NECPA), Pub. L95-619. AFUE's taken from the "Energy Guide" published by the Gas Appliance Manufacturers' Association (GAMA) meet this definition. AFUE's apply to all central residential sized furnaces (inputs of less than 225,000 Btu/h).

ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc.

AUTOMATIC. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration.

NEW SECTION

WAC 51-12-202 SECTION 202. B.

BOILER CAPACITY. The rate of heat output in Btu/h measured at the boiler outlet at the design pressure and/or temperature and rated fuel input.

BUILDING ENVELOPE. The elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.

NEW SECTION

WAC 51-12-203 SECTION 203. C.

CLERESTORY. A window placed high in a wall or projecting from a roof plane, to admit daylight into the interior of a building.

COEFFICIENT OF PERFORMANCE (COP). See Section 411

COEFFICIENT OF PERFORMANCE (COP). See Section 411 for various definitions of COP.

CONDITIONED SPACE. Any horizontal or vertical projection or any combination of that portion of interior space which is contained within exterior walls and which is heated or cooled directly or indirectly by an energy-using system.

NEW SECTION

WAC 51-12-204 SECTION 204. D.

DEGREE DAY, HEATING. A unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal heating load of a building in winter. For any one day, when the mean temperature is less than 65°F there exist as many Degree Days as there are Fahrenheit degrees difference in temperature between the mean temperature for the day and 65°F.

NEW SECTION

WAC 51-12-205 SECTION 205. E.

EFFICIENCY, OVERALL SYSTEM. The ratio of the useful energy (at the point of use) to the thermal energy input for a designated time period, expressed in percent.

ENERGY. The capacity for doing work, taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu).

ENERGY EFFICIENCY RATIO (EER). The ratio of net cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions. When International System of units are used this becomes equal to COP. (See COP).

ENERGY, NEW. (See NEW ENERGY).

ENERGY, RECOVERED. (See RECOVERED ENERGY).

EXFILTRATION. The uncontrolled outward air leakage through cracks and interstices in any building element such as around soleplates, wall outlets, duct systems, windows and doors of a building, caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

EXTERIOR ENVELOPE. (See BUILDING ENVELOPE).

NEW SECTION

WAC 51-12-206 SECTION 206. F.

FENESTRATION. Any light-transmitting opening in a building envelope, including glazing, interior and exterior shading devices, and integral sun control devices.

WAC 51-12-207 SECTION 207. G.

GENERAL LIGHTING. Lighting designed to provide an approximately uniform level of illumination in an area.

GLAZING AREA. Total area of glazing measured using the rough

opening and including the glass, the sash, and the frame.

GROSS FLOOR AREA. The sum of the areas of the floors of the building, including basements, mezzanine and intermediate-floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings: PROVIDED, That:

Covered walkways, open roofed-over areas, porches and similar spaces and features such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc., shall be excluded.

GROSS WALL AREA. The vertical projection of the exterior wall area bounding interior space which is conditioned by an energy-using system; includes opaque wall, window, clerestory, and door areas. The gross area of exterior walls consists of all opaque wall areas, including fully insulated foundation walls above and below grade, between floor spandrels, peripheral edges of floors, window areas, including sash, and door areas, where such surfaces are exposed to outdoor air and enclose a heated or mechanically cooled space including interstitial areas between two such spaces.

NEW SECTION

WAC 51-12-208 SECTION 208. H.

HEAT. The form of energy that is transferred by virtue of a temperature difference.

HEAT STORAGE CAPACITY. The ability of mass to absorb heat during overheated periods and store it for release during underheated periods, as calculated in Sec. 402 (c).

HEATED SLAB. A slab on grade containing heated pipes, ducts, or electric heating cables that constitute a radiant slab or portion thereof for complete or partial heating of the structure.

HEATED SPACE. Space, within a building, which is provided with a positive heat supply to maintain air temperature of 50°F (10°C) or higher.

HEATING SEASON PERFORMANCE FACTOR (HSPF). The total heating output (in BTU) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period. When specified in BTU output per watt hour input, an HSPF of 6.826 is equivalent to an HSPF of 2.0 watt hour output per watt hour input.

HEAT STORAGE CAPACITY. The ability of mass to absorb heat during overheated periods and store it for release during underheated periods, as calculated in Section 402 (c).

HUMIDISTAT. An instrument which measures changes in humidity and controls a device(s) for maintaining a desired humidity.

HVAC. Heating, ventilating and air conditioning.

HVAC SYSTEM. A system that provides either collectively or individually the processes of comfort heating, ventilating, and/or air conditioning within or associated with a building.

NEW SECTION

WAC 51-12-209 SECTION 209. I.

INFILTRATION. The uncontrolled inward air leakage through cracks and interstices in any building element and around soleplates, wall outlets, duct systems, windows and doors of a building, caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

NEW SECTION

WAC 51-12-210 SECTION 210. J. (RESERVED).

NEW SECTION

WAC 51-12-211 SECTION 211. K. (RESERVED).

NEW SECTION

WAC 51-12-212 SECTION 212. L. LOW-RISE RESIDENTIAL.

Single and multifamily occupancy (R-3 and R-1) in buildings three stories or less.

NEW SECTION

WAC 51-12-213 SECTION 213. M.

MANUAL. Capable of being operated by personal intervention.

NEW SECTION

WAC 51-12-214 SECTION 214. N.

NEW ENERGY. Energy, other than recovered energy, utilized for the purpose of heating or cooling.

NON-DEPLETABLE ENERGY SOURCES. Sources of energy (excluding minerals) derived from: (1) incoming solar radiation, including, but not limited to, natural daylighting and photosynthetic processes, (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges. Neither natural gas, oil, coal, liquefied petroleum gas, nor any utility-supplied electricity shall be considered a non-depletable energy source.

NEW SECTION

WAC 51-12-215 SECTION 215. O.

OCCUPANCY. (See UBC definition.)

OPAQUE AREAS. All areas of a building envelope which enclose conditioned space, except openings for windows, skylights, doors and building service systems.

OUTSIDE AIR. Air taken from the outdoors and, therefore, not previously circulated through the HVAC system of a building or structure.

OVERALL SYSTEM EFFICIENCY. (See EFFICIENCY, OVERALL SYSTEM.)

NEW SECTION

WAC 51-12-216 SECTION 216. P.

PACKAGED TERMINAL AIR-CONDITIONER. A factory-assembled combination of heating and cooling components, assemblies or sections, intended to serve a room or a zone.

PASSIVE COOLING. Cooling, humidification, and/or dehumidification of a conditioned space using minimal mechanical assistance.

PERM. A measurement of water vapor permeability for a particular material with a specific thickness. One perm equals the transfer of one grain of water vapor through one square foot of material in one hour with a one inch mercury vapor pressure difference from one side of the material to the other.

PERMEABILITY. Water vapor permeability is a measure of the passage of water vapor through a substance. When permeability varies with psychrometric conditions, the "spot" or "specific permeability" defines the property at a specific condition. Permeability is measured in perm inches.

POSITIVE HEAT SUPPLY. Heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space.

POWER. In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (w) or British thermal units her hour (Btu/h).

NEW SECTION

WAC 51-12-217 SECTION 217. Q. (RESERVED).

NEW SECTION

WAC 51-12-218 SECTION 218. R.

READILY ACCESSIBLE. Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See ACCESSIBLE.)

RECOMMEND. Suggest as appropriate; not required.

RECOVERED ENERGY. Energy utilized which would otherwise be wasted from an energy utilization system.

REGISTERED ENGINEER. A professional engineer licensed to practice in the state of Washington and knowledgeable and skilled in the use of the methods and practices associated with the specific engineering discipline being practiced.

REHEAT. The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

RESTAURANT. A building or portion of a building principally used for the retail preparation and service of food or beverages.

ROOF ELEMENT. A roof element shall be considered as a component of the roof/ceiling envelope, excluding clerestories, through which heat flows, thereby creating a building transmission heat loss or gain, where such assembly is exposed to outdoor air and encloses a heated or mechanically cooled space.

ROOF ELEMENT, GROSS AREA OF. The gross area of a roof element consists of the total interior surface of such element, including skylights, excluding clerestories, exposed to the heated or mechanically cooled space.

ROOM AIR CONDITIONER. An encased assembly designed as a unit primarily for mounting in a window or through a wall, or as a console. It is designed primarily to provide free delivery of conditioned air to an enclosed space, room or zone. It includes a prime source of refrigeration for cooling and dehumidification and means for circulating and cleaning air, and may include means for ventilating and heating.

NEW SECTION

WAC 51-12-219 SECTION 219. S.

SEQUENCE. A consecutive series of operations.

SERVICE SYSTEMS. All energy—using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

SERVICE WATER HEATING. Supply of hot water for domestic or commercial purposes other than comfort heating.

SERVICE WATER HEATING DEMAND. The maximum design rate of energy withdrawal from a service water heating system in a designated period of time (usually an hour or a day).

SHADED. External protection of glazing area from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature of vegetation.

SHADING COEFFICIENT (SC). The ratio of the solar heat gain through a glazing system to that of an unshaded single-pane of 1/8 inch float window glass under the same set of conditions.

SC = Solar Heat Gain of Fenestration Solar Heat Gain of 1/8 inch float

SHALL. Where shall is used in specific provision, that provision is mandatory.

SHOULD. Not mandatory but desirable as good practice.

SKYLIGHT. A clear or translucent panel or slope set in the plane of a roof to admit daylight into the interior of a building.

SLAB ON GRADE (in a heated space). Any portion of a slab poured in contact with the ground where the top of the finished slab is less than 12 inches below the final elevation of the nearest exterior grade.

SOLAR ENERGY SOURCE. Source of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation

SUBSTANTIALLY REMODELED OR REHABILITATED. Any alteration or restoration of a building or structure within any 12 month period, the cost of which exceeds 60 percent of the current replacement value of the particular building or structure.

SYSTEM. A combination of equipment and/or controls, accessories, interconnecting means, and terminal elements by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

NEW SECTION

WAC 51-12-220 SECTION 220. T.

TERMINAL ELEMENT. The means by which the transformed energy from a system is finally delivered; i.e., registers, diffusers, lighting fixtures, faucets, etc.

THERMAL RESISTANCE (R). The resistance of a material to heat flow, measured as the inverse of heat flow per unit area, per unit time, per unit temperature difference across the thickness of material considered. In this Code, R has units of sq. ft. hr. °F/Btu.

THERMAL TRANSMITTANCE (U). Overall coefficient of heat transmission (air to air) expressed in units of Btu per hour per square foot per degree F. It is the time rate of heat flow. The U value applies to combinations of different materials used in series along the heat flow

path, single materials that comprise a building section, cavity air spaces, and surface air films on both sides of a building element.

THERMAL TRANSMITTANCE (U_0) . Overall (average) heat transmission of a gross area of the exterior building envelope, expressed in units of Btu per hour, per degree F per square foot of exterior building envelope.

The U_0 value applies to the combined effect of the time rate of heat flows through the various parallel paths, such as windows, doors, and opaque construction areas, comprising the gross area of one or more exterior building components such as walls, floors, or roof/ceiling.

THERMOSTAT. An instrument which measures changes in temperature and controls device(s) for maintaining a desired temperature.

NEW SECTION

WAC 51-12-221 SECTION 221. U.

U VALUE. See THERMAL TRANSMITTANCE.

UNITARY COOLING AND HEATING EQUIPMENT. One or more factory-made assemblies which may include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

UNITARY HEAT PUMP. One or more factory-made assemblies which normally include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. It is designed to provide the functions of air-circulating, air cleaning, cooling and heating with controlled temperature, and dehumidifying, and may optionally include the function of humidifying. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

NEW SECTION

WAC 51-12-222 SECTION 222. V.

VAPOR BARRIER. See Vapor Retarder.

VAPOR RETARDER. A vapor retarder is a material, or a system of components within a building element, which restricts the transfer of water vapor from one side of the retarder to the other side with a rating of 1.0 perm dry cup rating or less.

NEW SECTION

WAC 51-12-223 SECTION 223. W X Y Z.

WINDOW THERMAL TESTING. U values for Class 2 or Class 3 glazing shall be the tested values for thermal transmittance due to conduction resulting from either the American Architectural Manufacturers Association (AAMA) 1503.1–1980 test procedure or the American Society for Testing Materials (ASTM) C236 or C976 test procedures; testing shall be conducted under established winter horizontal heat flow test conditions using the 15 mph wind speed and product sample sizes specified under AAMA 1503.1–1980. Testing shall be conducted by a certified testing laboratory. All classes of windows must meet SIGMA glazing specifications.

EXCEPTION: U values for site built fixed lites shall use window thermal test results when available. If tested results are unavailable, the Building Official shall require documentation based on a tested value of a comparable window.

ZONE. A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device.

CHAPTER 3

DESIGN REQUIREMENTS

NEW SECTION

WAC 51-12-300 SECTION 300. GENERAL.

This Chapter establishes design criteria in terms of the thermal performance of the various components of a building.

NEW SECTION

WAC 51-12-301 SECTION 301.

A building designed to be both heated and cooled shall meet the more stringent of the heating or cooling requirements provided in this Code.

Notes

NEW SECTION

WAC 51-12-302 SECTION 302. CLIMATIC ZONES.

Climatic Zones are based on heating degree days; therefore, some local deviation may be necessary to reflect actual conditions. Some counties have cities/towns which are both above and below 6,000 DDH. They have been placed in their respective zones on the basis of average DDH as derived by weighting DDH by each town's 1980 population.

The following shall be used for calculations and prescriptions required under this Code.

- (a) Zone I consists of the following counties: Asotin, Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Douglas, Franklin, Garfield, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Walla Walla, Wahkiakum, Whatcom, Yakima.
- (b) Zone II consists of the following counties: Adams, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Whitman.

EXCEPTION:

The local jurisdiction may authorize an alternate zone for application of energy code requirements in areas where heating degree days are above 6,000 in Zone I and 6,000 heating degree days or below in Zone

II. The adoption of a specific climatic zone shall be designated as part of the Ordinance adopted by the local governing body.

NEW SECTION

WAC 51-12-303 SECTION 303.

Departure from the criteria of this chapter is permitted if the substitute data is documented and presented to the Building Official for his concurrence.

NEW SECTION

WAC 51-12-304 SECTION 304. DESIGN PARAMETERS.

The following design parameters shall be used for calculations required under this Code.

- (a) Indoor design temperature shall be 70°F for heating and 78°F for cooling.
- (b) Indoor design relative humidity for heating shall not exceed 30 percent.
- (c) The heating or cooling outdoor design temperatures shall be selected from 0.6 percent column for winter and 0.5 percent column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE." (See also Washington State Energy Code Manual.)

Required ventilation air,

NEW SECTION

WAC 51-12-305 SECTION 305. VENTILATION.

The outdoor air quantities specified in Table 3-1 for each type of occupancy shall be used as a minimum for design. These quantities are for 100 percent outdoor air ventilating systems, but a reduction to 33 percent of the specified values for recirculating HVAC systems is permitted. In no case, shall the outdoor air quantities be less than 5 CFM per person.

The minimum requirements for openable area to provide natural ventilation are specified in the 1985 Uniform Building Code. All kitchens and bathrooms in Group R Occupancy spaces shall be provided with exhaust fans or other ventilation systems approved by the building official having a capacity of not less than that specified in Table No. 3-1.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying to each zone ventilation air with the minimum outdoor air quantities specified in Table No. 3—l based upon the greater of the occupant densities in that table or the design occupant density. The outdoor air shall be ducted directly to every air handling unit in each zone not provided with sufficient openable area for natural ventilation. The maximum outdoor air quantities used as the basis for calculating the heating and cooling design loads shall not exceed three times the quantities specified in Table No. 3—1.

EXCEPTION: If outdoor air quantities other than those specified in Table No. 3-1 are used or required because of special occupancy or process requirements, source control of air contamination, health, and safety or other standards, the required outdoor air quantities shall be used as the basis for calculating the heating and cooling design loads.

TABLE NO. 3-1

AIR QUANTITIES FOR VENTILATION (Excerpt from ASHRAE Standard 62–73) Estimated

persons/

	for the second s	cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	
	1. RESIDENTIAL (Private dwelling places, single or multiple units)		
Single Unit Dwellings			
General Living Areas, Bedrooms	5	5	
Kitchens	_	20	1
Baths, Toilet Rooms	-	20	1
Basements, Utility Rooms	-	5	
Multiple Unit Dwellings			
General Living Areas, Bedrooms	7	5	
Kitchens	_	20	1
Baths, Toilet Rooms	-	20	1
Basements, Utility Rooms	-	5	

	Estimated persons/ 1000 sq. ft. floor area. Use only when design oc— cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Garages	-	(1.5)	2
General Requirements—Merchandising	2. COMMERCIAL		
(Apply to all forms unless specially noted)			
Sales Floors and Showrooms (Basement and Street Floors) Sales Floor and Showrooms	30	7	
(Upper Floors) Storage Areas (Serving Sales	20	7	
Floors and Storerooms)	5	5 7	
Dressing Rooms Malls and Arcades	_ 40	7	
Shipping and Receiving Areas	10	15	
Warehouses Elevators	5 -	7 7	
Food Markets, Supermarkets, etc. Meat Processing Rooms	10	5	3
Drug Stores Pharmacists' Work Rooms	10	20	
Specialty Shops Pet Shops	_	(1.0)	2
Florists Greenhouses	10 1	5 5	4 4, 5
Banks (see Sales Floors and Offices Vaults	-	5	
Food Services			
Dining Rooms Kitchens Cafeterias, Short-Order,	70 20	10 30	6
Drive-Ins, Seating Areas, and Queuing Areas	100	30	
Bars (Predominantly Stand-up)	150	30	
Cocktail Lounges	100	30	
Hotels, Motels, Resorts Bedrooms (Single, Double)	5	7	
Living Rooms (Suites)	20	10	
Baths, Toilets (Attached to Bedrooms)	_	20	7
Corridors Lobbies	5 30	5 7	
Conference Rooms (Small)	70	20	
Assembly Rooms (Large) Public Rest Rooms	140 100	15 15	
Cottages (Treat as Single– Unit Dwellings) (See also Food Services, Industrial,	-	-	
Merchandising, Barber and Beauty Shops, Garages for Associated Hotel/Motel Services)			
Dry Cleaners and Laundries Commercial	10	20	8, 9
Storage/Pickup Areas Coin-operated	30 20	7 15	9
Barber, Beauty and Health Services Beauty Shops (Hair dressers)	50	25	
Reducing Salons (Exercise Rooms)	20	25	
Sauna Baths and Steam Rooms Barber Shops	25	5 7	
Photo Studios			10
Camera Rooms, Stages Darkrooms	10 10	5 10	10
≥ gr kl Will3	10	10	

	Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Shoe Repair Shops (Combined Workrooms/ Trade Areas)	10	10	
Garages, Auto Repair Shops, Service Stations Parking Garages (Enclosed) Auto Repair Workrooms (General) Service Station Offices		(1.5) (1.5) 7	2 2, 11
Theatres Ticket Booths Lobbies, (Foyers and Lounges) Auditoriums (in Motion Picture Theatres, Legitimate Theatres, Lecture, Concert	_ 150	5 20	
and Opera Halls-no smoking) Auditoriums (Smoking Permitted) Stages (with Proscenium and Curtains)	150 150 70	5 10 10	10, 12
Green Rooms and Workrooms Public Rest Rooms Ballrooms Public	20 100 100	10 15	
Bowling Alleys (Seating Area)	70	15	
Gymnasiums and Arenas Playing Floors-minimal or No Seating Locker Rooms Spectator Areas Ramps, Foyers, and Lobbies	70 20 150 150	20 (30) 20 10	13
Pool Rooms	25	20	
Amusement Parlors	25	20	
Tennis, Squash, Handball Courts (Indoor)	-	20	
Swimming Pools (Indoor)	25	15	14
Ice-skating and Curling Rinks	70	10	14
Roller Rinks Transportation	70	10	14
Waiting Rooms Garages	50 -	15 (1.5)	2
Ticket and Baggage Areas, Corridors and Gate Areas Control Towers Hangers Public Rest Rooms Platform Concourses Repair Shops	50 50 2 100 150	. 15 25 10 15 10 10	15
Offices General Office Space Conference Rooms Drafting Rooms, Art Rooms Doctor's Consultation Rooms Waiting Rooms (Doctors,	10 60 20 -	15 25 7 10	
Employment Agencies, etc.) Lithographing Rooms Diazo Printing Rooms Computer Rooms Keypunching Rooms Public Rest Rooms	30 20 20 20 20 30 100	10 7 7 5 7 15	9 9

	Estimated persons/ 1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Communication			
TV/Radio Broadcasting Booths,	20	30	10
Radio Studios Motion Picture and TV Stages	20 20	30	
Pressrooms	100	15	
Composing Rooms	30	7_	
Engraving Shops	30	7	
Telephone Switchboard Rooms	50	7	
(Manual) Telephone Switchgear Rooms	30	•	
(Automatic)	-	7	
Teletypewriter/Facsimile Rooms	_	5	
	3. INSTITUTIONAL		
Schools			
Classrooms	50	10	
Multiple Use Rooms	70	10	16
Laboratories	30	10	
Craft Shops, Vocational Training Shops	30	10	16
Music, Rehearsal Rooms	70	10	
Auditoriums	150	5	
Gymnasiums	70 20	20 7	
Libraries Common Rooms, Lounges	70	10	
Offices	10	7	
Lavatories	100	15	13
Locker Rooms	20 100	(30) 10	
Lunchrooms, Dining Halls Corridors	50	15	
Utility Rooms	3	5	
Dormitory Bedrooms	20	7	
Hospitals, Nursing, and Convalescent Homes			
Foyers	50	20	
Hallways	50 15	20 10	
Single, Dual Bedrooms Wards	20	10	
Food Service Centers	20	35	
Operating Rooms, Delivery		20	17
Rooms	_	20 15	17
Ready Rooms, Recovery Rooms Amphitheatres	100	10	
Physical Therapy Areas	20	15	
Autopsy Rooms	10	30 5	18
Incinerator Service Areas	-	3	
For Shops, Restaurants, Utility Rooms, Kitchens, Bathrooms and Other Service Items (See Hotels)			
Research Institutes			
Laboratories (Light-duty,	50	15	16
Nonchemical) Laboratories (Chemical)	50 50	15	16
Laboratories (Chemical) Laboratories (Heavy-duty)	50	15	16
Laboratories (Radioisotope,			
Chemically and Biologically	50	15	16
Toxic) Machine Shops	50 50	15 15	
Machine Shops Darkrooms, Spectroscopy Rooms	50	10	. =
Animal Rooms	20	40	17
Military and Naval Installations			
Barracks	20	7	
Toilets/Washrooms	100	15	
Shower Rooms Drill Halls	100 70	10 15	
DIIII HAIIS	70		

	Estimated persons/ 1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Ready Rooms, MP Stations Indoor Target Ranges	40 70	7 20	19
Museums Exhibit Halls Workrooms Warehouses	70 10 5	7 10 5	
Prisons (See also Gymnasiums, Libraries, Applicable Industrial Areas) Cell Blocks Eating Halls Guard Stations	20 70 40	7 15 7	
Veterinary Hospitals Kennels, Stalls Operating Rooms Reception Rooms	20 20 30	25 25 10	17 17
	4. ORGANIZATIONAL		
Churches, Temples (See Theaters, Schools and Offices)	-	_	
Legislative Halls Legislative Chambers Committee Rooms and Conference	70	20	
Rooms Foyers, Corridors Offices Press Lounges Press/Radio/TV Booths Public Rest Rooms Private Rest Rooms (For Food Service, Utilities, etc., see Hotels)	70 50 10 20 20 20	20 20 10 20 20 15 20	
Police and Fire Stations (See Prisons and Military Installations)	_	_	
Survival Shelters	-	5	17

- Installed capacity for intermittent use.
- 2 cfm per sq. ft. of floor area.
- Spaces maintained at low temperatures (-10 to 50° F) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement. (See Chapter 23, Refrigeration Load, ASHRAE Handbook of Fundamentals, 1972.)
- Maximum allowable concentration (MAC) for sulfur dioxide = 30 microgram/cubic meter.
- Ventilation to optimize plant growth, temperature, humidity, etc. will almost always be greater than shown.
- Exhaust to outside; source control as required.
- Installed capacity for intermittent use.
- Exhaust to outside; source control as required.
- Installed equipment must incorporate positive exhaust and control (as required) of undesirable contaminants (toxic or otherwise).
- Thermal effects probably determine requirements.
- Stands where engines are run must incorporate systems for positive engine exhaust withdrawal.
- Special ventilation will be needed to eliminate stage effect contaminants.
- 13 cfm/locker.
- The same for air-supported structures.
- Special solvent and exhaust problems handled separately.
- Special contaminant control systems may be required.

- 17 Special requirements or codes may determine requirements.
- 18 Special exhaust systems required.
- 19 Floor area behind firing line only.

In the case of an occupancy type not specifically mentioned above, the ventilation air requirements shall be determined by the Building NOTE: Official. Such determination shall be based on the most comparable occupancy type specified.

Where a conflict in ventilation requirements between this Code and the Uniform Building Code of 1985 occur, the former shall govern.

NEW SECTION

WAC 51-12-306 SECTION 306. METHODS OF COMPLI-ANCE.

Buildings or structures which are subject to this Code may satisfy their requirements either by application of a component performance approach (Chapter 4), a system analysis approach (Chapter 5), and in the case of buildings less than 10,000 square feet of gross floor area, a prescriptive requirements approach (Chapter 6).

CHAPTER 4

BUILDING DESIGN BY COMPONENT

PERFORMANCE APPROACH

(Standard Design)

NEW SECTION

WAC 51-12-400 SECTION 400, GENERAL.

The criteria of this Chapter establish the minimum requirements for thermal design of the exterior envelope of buildings (see Table 4-1) and for HVAC systems and its parts.

NEW SECTION

WAC 51-12-401 SECTION 401. (RESERVED).

NEW SECTION

WAC 51-12-402 SECTION 402. OVERALL THERMAL PER-FORMANCE AND BUILDING ENVELOPE REQUIREMENTS.

- (a) The stated Uo value of any one element of a building, such as roof/ceiling, wall or floor, may be increased and the Uo value for other components decreased provided that the overall heat gain or loss for the entire building envelope does not exceed the total resulting from the conformance to the stated Uo values.
- Where return air ceiling plenums are employed, the roof/ ceiling assembly area shall:
 - For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
 - For gross area purposes, be based upon the interior face of the upper plenum surface.
- (c) U_o values listed in Tables 4-2, 4-3, and 4-4 refer to component assembly only. Credit for buffering from adjacent unheated spaces is not allowed when calculating Uo values.
- Exemption for Passive Solar features.

Glazing areas which meet all of the following criteria may be exempted from the Uo calculations. Exempted glazing shall not be included in the gross wall area.

- For buildings that have Electric Resistance heating systems, the glazing area must have a tested thermal transmittance (U) value of less than .61. For Other heating systems, the glazing area need not be tested, but must be double glazed.
- The south glazing shall be oriented within 45 degrees of true south.
- The glazing shall be mounted at least 60 degrees up from the horizontal.
- The glazing shall have a transmission coefficient greater than or equal to 0.80 for visible light or greater than or equal to 0.73 for total solar radiation.
- Documentation shall be provided in the form of a sun chart, a photograph, or approved evidence, demonstrating that the glazing area shall not be shaded for at least 4 hours between 8 a.m. and 4 p.m. standard time on January 21 and March 21.

The building shall contain a heat capacity equivalent to at least 20 Btu/degree F-ft² for each square foot of south glazing when the south glazing area is between 10% and 14% of the buildings gross floor area, and at least 45 Btu/degree F-ft² for each square foot of south glazing when the south area glazing exceeds 14 percent of gross floor area. This heat storage capacity shall be located inside the insulated shell of the structure and not covered with insulation materials, such as carpet, which yield an R value of 1.0 or greater. If the storage medium is not within the space containing the south glazing, an approved natural or mechanical means of transferring the heat to the heat storage medium shall be provided. Heat storage capacity shall be calculated using the below equation and/or accepted analytical methods:

HS =D x SH x V

Where:

Heat Storage. The heat storage capacity avail-HS =able inside the insulated space.

Volume of heat storage components.

D =Density of material inside the insulated shell of the building to a depth yielding a thermal resistance of R 1, except in the case of slab floors where only the slab itself is credited. Mass located in conditioned or unconditioned basements without solar glazing shall not be counted (lbs/cu ft).

SH = Specific heat of the material (Btu/lb/°F).

(e) Insulation

General: Thermal and acoustical insulation located on or within floor/ceiling and roof/ceiling assemblies, crawl spaces, walls, partitions, and insulation on pipes and tubing shall comply with this section. Duct insulation shall conform to Section 416 and Table 4-16.

EXCEPTIONS: 1. Roof insulation shall comply with Section 3204 of the Uniform Building Code.

- 2. Roof insulation in vaulted ceilings over 3 in 12 shall conform with Section 3204 of the Uniform Building Code.
- 3. Exposed deck ceiling insulation shall conform with Section 3204 of the Uniform Building Code.
- Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame-spread rating not to exceed 25 and a smoke density not to exceed 450 when tested in accordance with UBC Standard No. 42-1.

EXCEPTIONS: 1. Foam plastic insulation shall comply with Section 1717 of the Uniform Building Code.

- 2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame-spread and smoke-developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
- Cellulose insulation shall conform to Section 1713 of the Uniform Building Code.

- 3. Ventilation: Enclosed joist or rafter spaces formed where ceilings are applied directly to the underside of roof joists or rafters must have joists or rafters of sufficient size to provide a minimum of one inch clear vented air space above the insulation (see also Section 3205 (c) of UBC). Ceiling insulation may be tapered or compressed at the perimeter to permit proper venting.
- (f) Moisture Control.
 - Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases:
 - A. Walls separating conditioned space from unconditioned space shall have a vapor retarder installed when thermal insulation is installed. The vapor retarder shall have a one perm dry cup rating or less.
 - B. Roof Ceilings
 - (1) Roof ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with a vapor retarder having a dry cup perm rating of 1.0 or less.
 - (2) Vapor retarders shall not be required in roof ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.
 - (3) Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.
 - (4) Vapor retarders with a 1.0 or less dry cup perm rating polyethylene or an approved equal shall be installed in roof ceiling assemblies where the insulation is comprised of insulation between the roofing membrane and the structural roof decking and insulation below the structural roof decking.
 - C. Ground Cover.

A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at joints and shall extend over top of footing.

EXCEPTION:

The ground cover may be omitted in unheated crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches

NEW SECTION

WAC 51-12-403 SECTION 403. THERMAL PERFORMANCE CRITERIA AND ENVELOPE REQUIREMENTS FOR LOW-RISE RESIDENTIAL BUILDINGS.

Criteria for Residential Buildings three (3) stories or less as defined in UBC: Group R-3—detached one and two family dwellings; Group R-Div. 1—All other residential buildings three stories or less.

(a) The overall average thermal transmittance value of the gross area of the elements of the exterior building envelope of a low-rise residential building shall not exceed the values given in Table 4-2. Equations 1 and 2 in Section 404 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement. Steady state U_w values for opaque wall sections may be corrected by multiplying by the appropriate M factor before the calculation of the U_o in Equation 2. U_o and U_w are specified in units of

(b) Floors over unheated spaces, such as unheated basements, unheated garages, or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 4-2.

- EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages, or under floor areas used as HVAC plenums or in Zone II where operable foundation vents are used and when foundation walls are insulated. When foundation walls are insulated, the insulation shall be attached in a permanent manner.
- (c) Slab on Grade Floor: For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-2. The insulation shall extend downward from the top of the slab for a minimum distance of 24 inches or downward to the bottom of the slab then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward a minimum of 6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.
- (d) Windows and doors and air leakage: (see Section 405).
- (e) Space Heat Type: The following two categories comprise all space heating types:
 - Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.

EXCEPTIONS: Electric resistance elements which are integral to heat pump heating systems or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling unit, or; 2) 1.0 watts per square foot of the gross floor area.

- Other. All gas, wood, oil, propane, and heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See EXCEP-TIONS, Electric Resistance, Section 403 (e) 1. above.)
- (f) Walls: Exterior wall sections, walls in finished basements, and interior walls exposed to unheated spaces shall be constructed to comply with the required values as specified in Table 4-2.

EXCEPTION: Concrete or masonry foundation walls of unfinished basements that have one-foot or less of the wall above grade need not be included in the gross wall area nor meet the requirements of Table 4-2 until finished, provided that:

- Any frame walls meet the requirements of Table 4– 2;
 - The rim-joist are properly insulated; and
- All walls that are more than an average of one-foot above grade meet the requirements of Table 4-2.
- (g) Glazing: Where available, U values from Window Thermal Testing results shall be used to calculate total Wall U₀. If untested, the following default U values shall be used for all types of glazing, including skylights, ornamental, and security glazing.
 - For untested double-glazing of any type, U = .90;
 - 2. For untested single glazing of any type, U=1.20. EXCEPTION: U values for site built fixed lites shall use window thermal test results when available. If tested results are unavailable, the Building Official shall require documentation based on a tested value of a comparable window.
- (h) General Insulation Requirements for Loose Fill Insulation: Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

NEW SECTION

WAC 51-12-404 SECTION 404. THERMAL PERFORM-ANCE CRITERIA FOR ALL OTHER OCCUPANCIES.

(a) Criteria.

The overall average thermal transmittance value (U_o) of the gross area of elements of the exterior building envelope of all buildings other than low-rise residential buildings shall not exceed the values given in Tables 4-3 and 4-4. Equations 1 and 2 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement for heating. U values for windows used to calculate total wall U_o shall be determined in accordance with accepted engineering practice. U_o and U_w are specified in units of

- Floors over unheated spaces shall not exceed the U_o value given in Table 4-3 and 4-4.
- Slab on Grade Floors: For slab on grade floors the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-3 and 4-4.

Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches, or downward to the bottom of the slab; then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward 12 inches below grade or frostline or to the top of the footing.

- Alternative Wall Allowance for Low Rise Non-Residential Occupancies.
 - A. For non-residential occupancy buildings, three stories or less, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls may be increased to the values given in Table 4-4 provided that at least one of the following criteria is also met:
 - Mechanical supply of outside air and mechanical exhaust of building air shall be automatically shut off and the duct closed for at least eight hours per day during hours of non-occupancy, or
 - ii. The primary source of heating for the building shall be one or more heat pumps meeting the provisions of Section 411(b) or gas or oil combustion heating equipment with a minimum combustion efficiency of 85 percent for central heating plants and 80 percent for room and space heaters. This efficiency shall be determined in accordance with the provisions of Section 411(c).

Provided further: that if both criteria are met, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls used in Table 4-4 may be increased by 0.05 in determining compliance with the provisions of the code.

B. For walls with a wall weight of at least 30 lbs. per sq. ft. (provided that walls constructed of hollow masonry units have cores filled with either grout, concrete, or with an insulating material with thermal resistance per inch (R) of at least 2.25 sq. ft./hr.-°F/Btu) the calculated thermal resistance of the wall sections measured face to face on wall units which are exposed to inside air temperatures, not including the thermal resistance of air films or additional exterior wall elements, may be increased by 25 percent in determining compliance with the provisions of the code provided that:

Heating and cooling set-point temperatures in the conditioned spaces or zones of the building shall be separated by at least 5°F. The temperature control shall be designed to prevent new energy from being used to heat the space above the heating set-point temperature or cool the space below the cooling set-point temperature.

$$U = 1$$

$$r_0 + R_1 + R_2 \dots r_2$$

Where:

U = the thermal transmittance of the assembly

r_o = outside air film resistance,

r_o = .17 for all exterior surfaces in winter

r_o = .25 for all exterior surfaces in summer

r: = inside air film resistance,

r_i = .61 for interior horizontal surfaces, heat flow up

r_i = .92 for interior horizontal surfaces, heat flow down

r_i = .68 for interior vertical surfaces

R = 1 = X = measure of the resistance to the passage of C = K heat for each element

C = conductance, the heat flow through a specific material of specific thickness

K = insulation value of a material

X = the thickness of the material

EQUATION 2

$$U_o = U_w A_w + U_g A_g + U_d A_d \dots$$

Where:

U_o = the average or combined transmittance of the gross exterior wall, floor or roof/ceiling assembly area (except slabs on grade).

A = the gross exterior wall, floor or roof/ceiling assembly

U_w = the thermal transmittance of the components of the opaque wall, floor or roof/ceiling assembly area.

A_w = opaque wall, floor or roof/ceiling assembly area.

U_g = the thermal transmittance of the glazing (window or skylight) area.

A. = glazing area

 U_d = the thermal transmittance of the door, or similar opening.

 $A_d = door area.$

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expended into sub-ele-

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + ...etc.$$

NEW SECTION

WAC 51-12-405 SECTION 405. AIR LEAKAGE FOR ALL BUILDINGS.

The requirements of this section shall apply to all buildings and structures and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled. The requirements of this section are not applicable to the separation of interior conditioned spaces from each other.

- (a) Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and between wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other such openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.
- (b) All exterior doors shall be weatherstripped to limit air leakage around their perimeter when in a closed position.

- Doors meeting the infiltration requirements of Table 4-8 shall be deemed to comply.
- (c) All exterior windows shall be designed to omit air leakage into or from the building envelope, and shall have air infiltration rates no greater than those shown in Table 4-8. Compliance with the criteria for air leakage of all types of doors shall be determined by Standard ASTM E 283-73, Standard Method of Test for Rate of Air Leakage through exterior windows, curtain walls and doors. EXCEPTION: Site built and millwork shop made wooden
 - sash are exempt from testing but shall be made tightly fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim, and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane, or other approved technique.
- (d) Required fire doors with a fire resistant rating over one (1) hour, and fire windows are exempt from this section.

NEW SECTION

WAC 51-12-406 SECTION 406. BUILDING MECHANICAL SYSTEMS

The following sections cover the determination of heating and cooling loads, design requirements, and equipment and component performance and control requirements. Requirements are established for insulating HVAC systems and for duct construction.

EXCEPTIONS: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment and computer rooms may be exempted from the requirements of this section when approved by the Building Official.

NEW SECTION

WAC 51-12-407 SECTION 407. CALCULATIONS OF HEATING AND COOLING LOADS.

- (a) Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.
- (b) The design parameters specified in Section 3 shall apply for all computations.
- (c) Space Heating and Space Cooling System Sizing Limits. Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than 150 percent of the design load as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted.

- 1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.
- 2. Natural gas— or oil—fired space heating equipment whose total rated space heating output in any one dwelling unit is 56,000 Btu/h or less may exceed the 150 percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than the sum of 74 percent plus 1 percent for every 5,000 Btu/h that the space heating equipment output exceeds the design heating load of the dwelling unit.
- 3. Stand-by equipment may be installed if controls and other devices are provided which allow reduction equipment to operate only when the primary equipment is not operating.

NEW SECTION

WAC 51-12-408 SECTION 408. (RESERVED).

NEW SECTION

WAC 51-12-409 SECTION 409. SIMULTANEOUS HEATING AND COOLING.

Each temperature control zone shall include thermostatic controls installed and operated to sequence the use of heating and cooling energy to satisfy the thermal and/or humidity requirement of the zone. Controls shall prevent reheating (heating air that is cooler than system mixed air), recooling (cooling air that is warmer than system mixed air), mixing or simultaneous supply of warm air (warmer than system return air mixed air) and cold air (cooler than system mixed air), or other simultaneous operation of heating and cooling systems to one zone. For the purposes of this section, system mixed air is defined as system return air mixed with the minimum ventilation air requirement by Section 305.

- EXCEPTIONS: 1. Variable air volume systems designed to reduce the air supply to each zone during periods of occupancy to the larger of the following:
 - 30 percent or less of the peak supply volume.
 - The minimum allowed to meet ventilation requirements of Section 305 (Table No. 3-1)
 0.5 cfm/ft² of zone conditioned area before
 - 0.5 cfm/ft² of zone conditioned area before reheating, recooling or mixing takes place. Consideration shall be given to supply air temperature reset control.
- The energy for reheating, or providing warm air in mixing systems, is provided entirely from recovered energy that would otherwise be wasted, or from nondepletable energy sources. In addition, the system shall comply with Section 414 without exception.
- Areas where specific humidity levels are required to satisfy process needs.
- 4. Special pressurization relationships or cross-contamination requirements are such that variable air volume systems are impractical (such as some areas of hospitals and laboratories). In these cases, supply air temperatures shall be reset by representative building load or by outside air temperature.

NEW SECTION

WAC 51-12-410 SECTION 410. ENERGY RECOVERY.

Consideration shall be given to the use of recovery systems which will conserve energy (provided the amount expended is less than the amount recovered) when the energy transfer potential and the operating hours are considered. (See Chapter 5.)

NEW SECTION

WAC 51-12-411 SECTION 411. HVAC EQUIPMENT PERFORMANCE REQUIREMENTS.

- (a) The requirement of this section applies to equipment and component performance for heating, ventilating and air-conditioning systems. Where equipment efficiency levels are specified, approved data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies shall be based on the standard rating conditions shown in Tables 4-9, 4-10 and 4-11.
- (b) HVAC-System Heating Equipment Heat Pumps—Heating Mode: Heat pumps whose energy input is entirely electric shall have a Coefficient of Performance (COP heating, as defined herein) not less than the values shown in Table 4-12.
 - These requirements apply to, but are not limited to, unitary heat pumps (air source and water source) in the heating mode and to heat pumps in the packaged terminal air-conditioner and room air-conditioner forms in the heating mode. Field assembled unitary heat pumps, consisting of one or more components, shall comply with this section.
 - Coefficient of Performance (COP) Heating: The ratio of the rate of net heat output to the rate of total energy input, expressed in consistent units and under designated rating conditions.

The rate of net heat output shall be defined as the change in the total heat content of the air entering and leaving the equipment (not including supplementary heat).

Total energy input shall be determined by combining the energy inputs to all elements, except supplementary heaters, of the heat pump, including, but not limited to, compressor(s), pump(s), supply-air fan(s), return-air fan(s), outdoor-air fan(s), cooling-tower fan(s), and the HVAC-system equipment control circuit.

3. Supplementary Heater: The heat pump shall be installed with a control to prevent supplementary heater operation when the heating load can be met by the heat pump alone. Supplementary heater operation is permitted during transient periods, such as start-ups, following room thermostat set-point advance, and during defrost, when the outdoor air temperature is below 55°F.

A two-stage thermostat, which controls the supplementary heat on its second stage, with outdoor air control, shall be accepted as meeting this requirement. The cut—on temperature for the compression heating shall be higher than the cut—on temperature for the supplementary heat, and the cut—off temperature for the compression heating shall be higher than the cut—off temperature for the supplementary heat. Supplementary heat may be derived from any source of electric resistance heating or combustion heating.

(c) HVAC-System-Combustion Heating Equipment: All commercial gas and oil fired central heating plants shall show a minimum combustion efficiency of not less than those shown in Table 4-5.

All residential gas, oil, and propane central heating systems must have a minimum AFUE of .74. All other residential heating equipment fueled by gas, oil, or propane must be equipped with an intermittent ignition device.

- (d) Mechanical Ventilation. Each mechanical ventilation system (supply and/or exhaust) shall be equipped with a readily accessible or automatic means for either shut-off or volume reduction and shut-off when ventilation is not required.
- (e) Packaged and unitary HVAC-system equipment, electrically operated cooling mode. HVAC-system equipment as listed below whose energy input in the cooling mode is entirely electric, shall show a Coefficient of Performance (COP) cooling as defined herein not less than values shown in Table 4-13.
 - These requirements apply to, but are not limited to unitary cooling equipment (air-cooled, water-cooled and evaporatively-cooled); the cooling mode of unitary and packaged heat pumps (air source and water source); packaged terminal air-conditioners; and room air-conditioners.

EXCEPTION: These requirements do not apply to equipment used for refrigerated food or florists' and nurseries' coolers.

 Coefficient of Performance (COP) Cooling: The ratio of the rate of net heat removal to the rate of total energy input, expressed in consistent units and under designated rating conditions.

The rate of new heat renewal shall be defined as the change in the total heat contents of the air entering and leaving the equipment (without reheat).

Total energy input shall be determined by combining the energy inputs to all elements of the equipment, including but not limited to compressor(s), pump(s), supply-air fan(s), return-air fan(s), condenser-air fan(s), cooling-tower fan(s), circulating water pump(s), and the HVAC-system equipment control circuit.

- (f) Applied HVAC-system components, electrically operated cooling-mode. HVAC-system components, as listed in Table 4-14 whose energy input is entirely electric, shall show a Coefficient of Performance (COP) cooling, as defined herein, and not less than the values shown in Table 4-14
 - Coefficient of Performance (COP) Cooling. The ratio of the rate of net heat removal to the rate of total energy input, expressed in consistent units and under designated rating conditions.

The rate of net heat removal is defined as the difference in total heat contents of the water or refrigerant entering and leaving the component.

Total energy input shall be determined by combining the energy inputs to all elements and accessories of the component, including but not limited to, compressor(s), internal circulating pump(s), condenser-air fan(s), evaporative-condenser cooling water pump(s), purge, and the HVAC-system component control circuit.

- (g) HVAC-system equipment—heat operated cooling mode. Efficiency limitation equipment: Heat operated cooling equipment shall show a (COP) cooling not less than the values shown in Table 4-15. These requirements apply to, but are not limited to, absorption equipment, engine driven equipment, and turbine driven equipment.
- (h) Fireplaces. Fireplaces shall be provided with:
 - Tightly fitting flue dampers, operated with a readily accessible manual or approved automatic control. EXCEPTION: Fireplaces with gas logs installed in accordance with UMC 803 shall be equipped with tightly fitting glass or metal doors.
 - An outside source for combustion air. The duct shall be at least six square inches in area, and shall be provided with a readily operable damper.

NEW SECTION

WAC 51-12-412 SECTION 412. ENERGY FOR AIR DELIVERY.

The air transport factor for non-residential all-air HVAC systems shall not be less than 5.5. The factor shall be based on design system air flow for constant volume systems. The factor for variable air volume systems may be based on average conditions of operation. Energy for transfer of air through heat recovery devices shall not be included in determining the factor; however, such energy shall be included in the evaluation of the effectiveness of the heat recovery system.

Air Transport Factor = Space Sensible Heat Removal*

(Supply + Return Fan(s) Power Input)*

*Expressed in Btu/hr.

NEW SECTION

WAC 51-12-413 SECTION 413. BALANCING.

The HVAC system design shall provide means for balancing air and water systems such as but not limited to dampers, temperature and pressure test connections and balancing valves.

NEW SECTION

WAC 51-12-414 SECTION 414. COOLING WITH OUTDOOR AIR (ECONOMIZER CYCLE).

Each supply fan system shall be designed to use up to and including 100 percent of the fan system capacity for cooling with outdoor air automatically. Activation of economizer cycle shall be controlled by sensing outdoor air dry-bulb temperature or outdoor air enthalpy or alternative means approved by the Building Official.

EXCEPTIONS: Cooling with outdoor air is not required under any one or more of the following conditions:

- (a) Fan system capacity less than 3,500 CFM or 90,000 Btu/hr total cooling capacity.
- (b) The quality of the outdoor air is so poor as to require intensive treatment of the air.
- (c) The need for humidification or dehumidification requires the use of more energy than is conserved by the outdoor air cooling.
- (d) The use of outdoor air cooling may affect the operation of other systems so as to increase the overall energy consumption of the building.
- (e) Internal/external zone heat recovery or other energy recovery is used, which is more efficient than using outdoor air.
- (f) When all space cooling is accomplished by a circulating liquid which transfer space heat directly or indirectly to a heat rejection device such as a cooling tower without the use of a refrigeration system.

NEW SECTION

WAC 51-12-415 SECTION 415. CONTROLS.

- (a) Temperature Control: Each HVAC system shall be provided with at least one thermostat for the regulation of temperature.
 - Where used to control both heating and cooling, each thermostat shall be capable of being set from 55-85°F and shall be capable of operating the system heating and cooling in sequence. It shall be adjustable to provide a temperature range of at least 10°F between full heating and full cooling.
- (b) Humidity Control. If an HVAC system is equipped with a means for adding moisture to maintain specific selected relative humidities in spaces or zones, a humidistat shall be provided. This device shall be capable of being set to prevent new energy from being used to produce space relative humidity (rh) above 30 percent rh. Where a humidistat is used in an HVAC system for controlling moisture removal to maintain specific selected relative humidities in spaces or zones, it shall be capable of being set to prevent new energy from being used to produce a space relative humidity below 60 percent relative humidity

EXCEPTION: Special occupancies requiring different relative humidities may be permitted by the Building Official.

(c) Zoning for Temperature control.

- One and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate HVAC system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor not controlled by a thermostat.
- Multi-Family Dwellings: For multi-family dwellings, each individual dwelling unit shall be considered separately and shall meet the above requirements. Spaces other than living units shall meet the requirements of Section 415 (c) (3).
- All Other Types of Buildings or Occupancies: At least one thermostat for regulation of space temperature shall be provided for:
 - A. Each separate HVAC system.
 - B. Each separate zone. As a minimum each floor of a building shall be considered as a separate zone. In a multi-story building where the perimeter system offsets only the transmission losses of the exterior wall, an entire side of uniform exposure may be zoned separately. A readily accessible manual or automatic means shall be provided to restrict partially or shut off the heating and/or cooling input (for the exposure) to each floor.
- 4. Control Setback and Shut-off:
 - A. Residential Occupancy Groups: One-and-Two-Family and Multi-Family dwellings—The thermostat required in paragraphs 1 and 2 of this subsection (c) or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of non-use or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.
 - B. Other Buildings and Occupancies: Each HVAC system shall be equipped with a readily accessible, automatic means of shutting off or reducing the energy used for HVAC during periods of non-use or alternate uses of the building spaces or zones served by the system. The following are examples that meet this requirement:
 - Manually adjustable automatic timing devices.

ii. Automatic control systems.

NEW SECTION

WAC 51-12-416 SECTION 416. AIR HANDLING DUCT SYSTEM INSULATION.

All ducts, plenums and enclosures installed in or on buildings shall be thermally insulated to meet the requirements of Table 4-16.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

- (a) Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements or cellars in oneand two-family dwellings.
- (b) When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
- (c) Within the HVAC equipment.
- (d) Exhaust air ducts.

NEW SECTION

WAC 51-12-417 SECTION 417. DUCT CONSTRUCTION. All duct work shall be constructed and erected in accordance with the Uniform Mechanical Code.

NEW SECTION

WAC 51-12-418 SECTION 418. PIPING INSULATION.

All piping installed to serve buildings (and within) shall be thermally insulated in accordance with Table 4-17, except as stated herein, (for recirculating service water heating systems, see Section 422).

- (a) Other Insulation Thickness: Insulation thickness in Table 4-17 is based on insulation having thermal resistance in the range of 4.0 to 4.6 per inch of thickness on a flat surface at a mean temperature of 75°F. Minimum insulation thickness shall be increased for materials having "R" values less than 4.0 per inch, or may be reduced for materials having "R" values greater than 4.6 per inch.
 - For materials with thermal resistance greater than R
 4.6 per inch, the minimum insulation thickness may be reduced as follows:

 For materials with thermal resistance less than R = 4.0 per inch, the minimum insulation thickness shall be increased as follows:

- (b) EXCEPTIONS: Piping insulation is not required in any of the following cases:
 - 1. Piping installed within unitary HVAC equipment.
 - 2. Piping at temperatures between 55°F and 100°F
 - When the heat loss and/or heat gain of the piping, without insulation, does not increase the energy requirements of the building or is used as a component of a designed Heating System.
- (c) Additional insulation with vapor barriers shall be provided to prevent condensation where required.

NEW SECTION

WAC 51-12-419 SECTION 419. (RESERVED).

NEW SECTION

WAC 51-12-420 SECTION 420. WATER HEATERS, STORAGE TANKS, BOILERS, AND PIPING.

- (a) Performance Efficiency.
 - Gas, oil fired water heaters and electric storage water heaters meeting the requirements of ASHRAE Standard 90A-80 and so labeled shall be deemed as satisfying the requirements of this subsection.
- (b) Temperature Controls.
 - Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use.

- Shut down: A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main burner(s) of all other types of service water heating systems.
- Swimming Pools.

Heated swimming pools shall be equipped with:

- A. A pool cover at the surface of the water.
- 3. A label on the pool heater that provides the following information: (The following recommendations replace requirements for temperature and on/off controls.) Pool heating—78°F is the recommended healthful swimming pool temperature for most people. The water heater thermostat should be set at 78°F, marked to identify that setting, and further adjustments should be discouraged. An increase of 4°F (such as from 78°F to 82°F) could increase energy consumption by as much as 40 percent.

Filter System—the time clock for operating the filter system should be set to operate the filter system for the minimum number of hours of operation required to maintain clean and healthful pool water.

Pool Cover—it is recommended that the pool be covered except when the pool is in use. Use of the cover can cut pool heating costs by as much as 70 percent.

NEW SECTION

WAC 51-12-421 SECTION 421. PUMP OPERATION.

Circulating hot water systems shall be arranged so that the circulating pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

NEW SECTION

WAC 51-12-422 SECTION 422. PIPE INSULATION.

For recirculating systems, piping heat loss shall be limited to a maximum of 25 Btu/hr ft² of external pipe surface for above ground piping and a maximum of 35 Btu/hr ft² of external pipe surface for underground piping. Maximum heat loss shall be determined at a temperature differential equal to the maximum water temperature minus a design ambient temperature no higher than 65 degrees F.

NEW SECTION

WAC 51-12-423 SECTION 423. CONSERVATION OF HOT WATER.

- (a) Showers used for other than safety reasons shall be equipped with flow control devices to limit total flow to a maximum of 3 gpm per shower head.
- (b) Lavatories in restrooms of public facilities shall be equipped with outlet devices which limit the flow of hot water to a maximum of 0.5 gpm or equipped with selfclosing valves.

NEW SECTION

WAC 51-12-424 SECTION 424. ELECTRICAL POWER AND LIGHTING.

Electrical distribution and lighting systems shall be designed for efficient distribution and use of electrical energy from the service entrance to and at the points of use as provided herein.

NEW SECTION

WAC 51-12-425 SECTION 425. LIGHTING SWITCHING.

Switching for building lighting systems shall be designed and installed to permit efficient use of energy and to permit maximum flexibility in the use of the installed lighting. The following mandatory requirements represent the minimum lighting controls to be installed in any building. Additional controls should be provided where deemed appropriate and where the installation of such controls can

significantly reduce energy consumption.

All lighting controls, except automatic controls or those for special purpose applications which require trained operators or those which would pose a safety problem or a security hazard, shall be installed so as to be readily accessible to personnel occupying or using the lighting space.

The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that provided by a 20 ampere circuit loaded to no more than 80 percent. A master control may be installed provided the individual switches retain their capability to function independently.

All lighted spaces enclosed by walls or ceiling height partitions and with floor area less than four hundred square feet shall be provided an individual lighting control or an occupant-sensing automatic control.

All lighted spaces with floor area greater than four hundred square feet shall be provided with controls to permit reducing the lighting by not more than one half or occupant-sensing automatic controls.

All building areas greater than 200 square feet where natural lighting is available shall be provided with individual controls or daylight— or occupant—sensing automatic controls which permit control of lights independent of general area lighting. Either individual controls shall be provided for each row of luminaires parallel to a window wall or controls shall be provided to reduce the lighting in at least two steps to not more than one—half and to completely off in the natural lighting area.

For office and school occupancies, at a minimum, lighting serving a zone within 12 feet of a window wall or the zone between an interior wall and the window wall of less than 12 feet shall comply with this provision.

For retail occupancies, at least the row of luminaires nearest the window shall comply with this provision.

All display, exhibition or specialty lighting shall be controlled independently of general area lighting.

All exterior building lighting including facade lighting, parking lots, driveways, walkways, shall be furnished with automatic controls to reduce or turn off all lights during periods of non-use or daylight hours, except those required for safety and security. Sign lights shall be exempt from this provision.

NEW SECTION

WAC 51-12-426 SECTION 426. LIGHTING POWER BUDGET.

A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

EXCEPTION: One— and two-family detached dwellings and the dwelling portion of multi-family buildings are exempt from the requirements of Section 426.

Budget Development.

The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.

Building Interiors.

The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot, specified in Table No. 4–18. For special conditions when approved by the Building Official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.

The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.

EXCEPTION: Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be re-

duced by the following percentages:

o For occupant-sensing devices, energy savings of 30 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.

° For daylighting controls, energy savings of 30 percent for continuous dimming and 20 percent for stepped con-

trols shall be allowed for any daylit space.

o For lumen maintenance controls, energy savings of 10 percent shall be allowed for any space.

For daylighting

For daylighting controls with occupant-sensing devices, energy savings of 44 percent shall be allowed for any single space up to 400 square feet within daylit spaces, and enclosed by ceiling height partitions.

• For occupant-sensing devices with lumen maintenance controls, energy savings of 37 percent shall be allowed for any single space up to 400 square feet and enclosed by

ceiling height partitions.

Exceptions to Building Interior Criteria.

Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:

- Stage lighting, entertainment, or audiovisual presentations where the lighting is an essential technical element for the function performed.
- Lighting for medical and dental tasks.
- o Lighting in areas specifically designed for visually handicapped people.
- For restaurant occupancies, lighting for kitchens and food preparation areas.

Building Exteriors.

The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per square foot of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.

TARLE 4-1 Classification of Building Occupancies

Non- Residential	
(Table 4-4)	More than three stories.
(Table 4–3)	Three stories and less.
TABLE 4-2	
	(Table 4-4)

Low-Rise Residential Buildings Maximum Allowed Uo Values and Minimum Allowed R Values

Heat Type	Climatic Zone		Cathedral Ceilings			Slab on Grade
		Uo	U _o	U_{o}	U _o	Installed R Value
Electric Resistance	e I	0.026	0.035	0.144	0.055	8
Other	Ĭ	0.035	0.035	0.203	0.055	8
Electric Resistance	e II	0.026	0.035	0.144	0.043	10
Other	H	0.035	0.035	0.203	0.055	8
		TAB	LE 4-3			

Maximum Allowed Uo Values and Minimum Allowed R Values Non-Residential Occupancies **Buildings 3 Stories or Less**

Zone	Ceilings	Walls	Floors	Slab ¹ on Grade
	<u>U</u>	<u>U</u> 0	<u>U</u> o	Installed R Value
I II	0.035 0.035	0.25 0.20	0.08 0.08	8 10

¹Insulation shall be closed cell, water resistant material manufactured for this use.

TABLE 4-4

Maximum Allowed U_o Values and Minimum Allowed R Values All Occupancies **Buildings over 3 Stories**

Zone	Ceilings	Walls	Floors	Slab ^l on Grade	
	<u>U</u> o	<u>U</u>	<u>U</u> o	Installed R Value	
I II	0.08 0.06	0.30 0.25	0.08 0.08	8 10	

¹Insulation shall be closed cell, water resistant material manufactured for this use.

TABLE 4-5

Non-residential HVAC System Heating Equipment-Gas- and Oil-Fired Minimum Steady State Combustion Efficiency

	Furnaces of Capacity of 225,000 Btu/h and Less Boilers of Capacities of 300,000 Btu/h and Less	
Types of Equipment	Percent ¹	Percent ²
Forced-air furnaces and low-pressure steam or hot-water boilers	74	75
Gravity central furnaces	69	
All other vented heating equipment	69	_

¹Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be

tested in accordance with the applicable U.S. Department of Energy furnace test procedures.

²Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input. Stack losses are:

Loss due to sensible heat in dry flue gas. Loss due to incomplete combustion. Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.

> TABLE 4-6 (Reserved)

TABLE 4-7 (Reserved)

TABLE 4-8 Allowable Air Infiltration Rates

Windows	Residential Doors		Commercial Doors	
(cfm per lineal foot of operable	cfm per of c		cfm per lin . ft of crack	
sash crack	sliding glass	entrance	swinging, sliding, revolving	
0.5	0.5	1.00	11.0	

TABLE 4-9 HVAC System Heating Equipment (Heat Pumps) Standard Rating Conditions

Conditions	ntering	Air S	Source	Water Source
Air entering equipment		70 db	70 db	70 db
Outdoor unit ambient	F	47 db/ 43 wb	17 db/ 15 wb	
Entering water temperature	F	_	_	60
Water flow rate			_	as used in cooling mod

TABLE 4-10 HVAC System Equipment Standard Rating Conditions — Cooling

		TEMPERATURES			RES
		DB	WB	Inlet	Outlet
Air Entering Equipment	F	80	67		_
Condenser Ambient (Air Cooled)	F	95	75		_
Condenser Water (Water Cooled)	F	_		85	95

Standard ratings are at sea level.

Note: db = dry bulb wb = wet bulb

TABLE 4-11 Applied HVAC System Components Standard Rating Conditions - Cooling

Item			Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
Leaving chil	led			
water tempe Entering chi	rature	F	44	44
water tempe		F	54	54
Leaving con-			•	
water tempe	rature	F	95	
Entering wa	ter temp.	F	85	
Non-ferrou		*	0.0005	0.0005
Fouling fact	or, water			
steel tubes		*	0.0010	0.0010
Fouling fact refrigerant Condenser a		*	0.0000	0.0000
(air or evap.	-	F	95 db/75 wb) —
Compressor	Water coole	d		
saturated	(or evap.	•		
	cooled)	F	_	105
Discharge temp.	Air cooled	F	_	120

Standard ratings are at sea level.

• h ft² F/Btu.

TABLE 4-12 HVAC-System Heating Equipment (Heat Pumps) Minimum COP & HSPF for Heat Pumps, Heating Mode

Source and Outdoor Temperature(°F)	Minimum COP	Minimum HSPF
Air source — 47 dB/43 WB	2.7	
Air source — 17 dB/15 WB	1.8	
Air source		6.35
Water source — 60 entering	3.0	
Ground source	3.0	

TABLE 4-13 Minimum EER and COP-Cooling for Electrically Driven HVAC System Equipment-Cooling

	Evaporative or Air Cooled Water Cooled					
Standard Rating Capacity	EER	СОР	EER	СОР		
Under 65,000 Btu/hr (19,050 watts) 65,000 Btu/hr	7.8	2.28	8.8	2.58		
(19,060 watts) and over	8.2	2.4	9.2	2.69		

¹The U.S. Department of Energy has established required test procedures for single-phase air cooled residential central air conditioners under 19 KW (65,000 Btu/h) capacity, which have been incorporated into ARI Standard 210-79. EER and COP values in Table 4-13 are based on Test A of DOE Test Procedures.

TABLE 4-14
Minimum EER and COP for Electrically Driven HVAC-System Components

	Water	Chilli	ng Pack	ages			
			<u>C</u> Air	Condensi	ng Mea Water	Evap.	
Component	Туре	EER	COP	EER	COP	EER	СОР
	Centrifugal or rotary	8.00	2.34	13.80	4.04		
Condenser included	Reciprocating	8.40	2.46	12.00	3.51		
Condenserless	Reciprocating	9.90	2.90	12.00	3.51		
Compressor & Condenser units 65,000	Positive						
Btu/hr (19,050 watts) and over ²	displacement	9.50	2.78	12.50	3.66	12.50	3.66
	Hydr	onic H	eat Pun	nps			
Component	Туре	EER		C	ЮР		
Water source							
65,000 Btu/h (19,000 watts) Water source	Centrifugal or rotary		9.	00	2.	64	
65,000 Btu/h							

¹When tested at the standard rating conditions specified in Table No. 4-9, 4-10, and 4-11.

9.40

2.75

Minimum COD

Centrifugal

Heat Source

or rotary

(19,000 watts)

and over

²Ratings in accordance with Standard RS-14 as applicable. COP based on condensing unit standard rating capacity and energy input to the unit, all at sea level.

TABLE 4-15 HVAC-System Heat-Operated Cooling Equipment

Minimum COP = Net Cooling Output Total Heat Input (Electrical Auxiliary Inputs Excluded)

Hea	0.48 0.68			
Dire Indi				
	TABLE 4-	16		
	Insulation of	Ducts		
Duct Location	Insulation Types Mechanically Cooled	Climate Zone	Insulation Heating	
On roof or on exterior of building	$C, V^2 \text{ and } W$ $D, V^2 \text{ and } W$	I II	C and D and	
Attics, garages and crawl spaces,	B and V ² C and V ²	I II	B C	· · · · · · · · · · · · · · · · · · ·

Duct Location	Insulation Types Mechanically Cooled	Climate Zone	Insulation Types Heating Only
---------------	-----------------------------------------------	-----------------	----------------------------------

in walls¹, within floor-ceiling spaces

Within the conditioned space or in basements	None Required	None Required
Cement slab or within ground	A	В

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

- Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.
- Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES:

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber or equivalent to provide an installed thermal resistance of at
 - least R-2
- 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
 - 1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed thermal resistance of at least R-6
- 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
 - 2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed thermal resistance of at least R-8
- 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber
 - 3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed thermal resistance of at least R-12
- Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

TABLE 4-17

Minimum Pipe Insulation

		Insulation Thickness In Inches for Pipe Sizes ²					
Piping System Types	Fluid temper– ature range, °F					5" to 6"	8" and larger

HEATING AND HOT WATER **SYSTEMS** Steam and hot water

	Insulation Thickness In Inches for Pipe Sizes ²						
Piping System Types	Fluid temper- ature range, °F	Run- outs up to 2"	1" and less	1.25" to 2"	2.5" to 4"	5" to 6"	8" and larger
High pressure/							
temperature	306-450	1.5	2.5	2.5	3.0	3.5	3.5
Med. pressure/							
temperature	251-305	1.5	2.0	2.5	2.5	3.0	3.0
Low pressure/					2.0	2.0	2.0
temperature	201-250	1.0	1.5	1.5 1.0	2.0 1.5	2.0	1.5
Low temperature Steam condensate (for feed water)	100-200 Any	1.0	1.0	1.5	2.0	2.0	2.0
COOLING SYSTEMS							
Chilled water Refrigerant, or	40-55	.5	.5	.75	1.0	1.0	1.0
brine	Below 40	1.0	1.0	1.5	1.5	1.5	1.5

¹Runouts not exceeding 12 feet in length to individual terminal units.

TABLE 4-18
Interior Lighting Power Budget¹

	-	
Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)
		1.1
Α	Assembly w/stage	
	Stage lighting	Exempt
	Assembly w/o stage: other than B and E	2.0
В	Gasoline service station	0.3
	Storage garages	1.8
	Office buildings	2.0
	Wholesale stores	2.0 1.7
	Police and fire stations	1.7
	Retail Stores:	4.6
	less than 6000 s.f.	4.5
	6000 to 20,000 s.f.	3.5
	over 20,000 s.f.	2.5
	Drinking and dining establishments	1.85
	Food preparation task light	Exempt
	Aircraft hangars – storage	0.7
	Process plants	1.0
	Factories and work shops	2.0
_	Storage structures	0.7
E	Schools and daycare centers	2.0
	Audio-visual presentation lighting	Exempt
Н	Storage structures	0.7
	Handling areas	2.0
	Paint shops	2.5
	Auto repair shops	2.0
	Aircraft repair hangars	2.0
I	Institutions	2.0
	Administrative support areas	2.0
	Diagnostic, treatment, food	
	service task lighting	Exempt
R	Dwelling units	Exempt
	Food preparation task lighting	Exempt

¹Watts/sq. ft. of room may be increased by two percent per foot of height above 20 feet.

CHAPTER 5

BUILDING DESIGN BY SYSTEMS ANALYSIS

AND

BUILDINGS UTILIZING NON-DEPLETABLE ENERGY SOURCES

NEW SECTION

WAC 51-12-500 SECTION 500. GENERAL.

This chapter establishes design criteria in terms of total energy use by a building including all of its systems.

NEW SECTION

WAC 51-12-501 SECTION 501. ENERGY ANALYSIS.

Compliance with this section will require an annual energy analysis. A building designed in accordance with this chapter (the "alternative design building") will comply with this Code if the annual energy consumption is not greater than that of a building of similar design (a "standard design") whose enclosure elements and energy consuming systems are designed in accordance with Chapter 4 or Chapter 6. The calculated energy consumption of the alternative design shall be subject to a limitation in the improvement credited to any individual building system as outlined in Section 503. The glazing area to be used in the "standard design" building shall not exceed 15% of the floor

"Building of similar design" shall mean a building utilizing the same energy source(s) for the same functions and having equal floor area, environmental requirements, occupancy, climate data and usage schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

The alternative design shall incorporate the applicable provisions of Section 415 (mechanical system controls), Section 420(b) (water temperature control), and Section 425 (lighting switching).

NEW SECTION

WAC 51-12-502 SECTION 502. DESIGN.

The standard design, conforming to the criteria of Chapter 4 or Chapter 6 and the proposed alternative design shall be designed on a common basis as specified herein. The glazing area to be used in the standard design building shall not exceed 15% of the floor area.

The comparison of total energy usage shall be expressed in Btu per square foot or in KWH per square foot of gross floor area per year for the standard design and the alternative design. Comparison of similar elements, systems or components shall be expressed in dimensions or terms accepted by standard engineering practice.

If the proposed alternative design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used.

NEW SECTION

WAC 51-12-503 SECTION 503. ANALYSIS PROCEDURE.

The analysis of the annual energy usage of the standard design and the proposed alternative building and system design shall meet the following criteria:

- (a) The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be of sufficient detail to permit the evaluation of effect of factors specified in Section 504.
- (b) The calculation procedure used to simulate the operation of the building and its service systems through a full year operating period shall be of sufficient detail to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of all systems and equipment. The calculation procedure shall be based upon operation of the building and its service systems through a typical year. Variations in climatic data shall be represented.
- (c) The calculation procedure for the standard design and the proposed alternative design shall separately identify the energy input to each of the following systems: heating,

²For piping exposed to outdoor air, increase thickness by .5 inch.

²Emergency exit lighting is exempt from interior lighting budget.

cooling, ventilation, and lighting. The energy input to any other system using over ten percent of the total energy input shall also be separately identified. The energy use for the standard and alternative designs shall be calculated by summing the energy inputs assigned to each identified system and all other energy inputs not separately identified. The systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed alternative design. When electrically driven heat pumps are employed to provide all or part of the heat for the alternative design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pumps in conformance with Section 411 and having capacity at least as great as those used in the alternative design are employed.

(d) The energy use assigned to each building system in the proposed alternative design shall be as calculated in subsection (c) or eighty percent of the use calculated for the same system in the standard design in subsection (c), whichever is greater.

NEW SECTION

WAC 51-12-504 SECTION 504. CALCULATION PROCEDURE.

The calculation procedure shall cover the following items:

- (a) Design requirements: Design parameters required in Chapter 3
- (b) Climatic data: Coincident data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.
- (c) Building data: Orientation, size, shape, mass, air, moisture and heat transfer characteristics.
- (d) Operational characteristics: Temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.
- (e) Mechanical equipment: Design capacity, part load profile.
- (f) Building loads: Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

NEW SECTION

WAC 51-12-505 SECTION 505. DOCUMENTATION.

A proposed alternative design submitted under this chapter shall be accompanied by an energy analysis comparison report. The report shall provide sufficient technical detail on the two buildings and their systems and on the data used in and resulting from the comparative analysis to certify that both the analysis and the designs meet the criteria of this Code.

The Documentation shall demonstrate that the analysis used is consistent with accepted techniques and procedures.

EXCEPTION: Proposed alternative designs for single family and two family dwellings and for commercial and industrial structures having the indoor temperature controlled from a single point need not provide the energy usage analysis for a full year. A comparison of energy consumption between the alternative design and the standard design in a manner which follows approved engineering practices and standards, as approved by the Building Official, shall be provided.

NEW SECTION

WAC 51-12-506 SECTION 506. BUILDINGS UTILIZING NON-DEPLETABLE ENERGY.

- (a) Buildings utilizing solar, geothermal, wind or other nondepletable energy sources for all or part of its energy source shall meet the requirements of this chapter of this Code. The energy derived from the non-depletable source may be excluded from the total annual energy consumption attributed to the alternate design building by this
- (b) This section shall also apply to passive cooling processes in lieu of energy consuming processes.
- (c) All other criteria covered in this chapter and Chapter 4 shall apply to the proposed alternative designs utilizing non-depletable sources of energy.

NEW SECTION

WAC 51-12-507 SECTION 507. DOCUMENTATION—BUILDINGS USING NON-DEPLETABLE ENERGY SOURCES.

Proposes alternative designs, submitted as requests for exception to the standard design criteria shall be accompanied by an energy analysis, as specified in this chapter. The report shall provide sufficient technical detail on the alternative building and system designs and on the data employed in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Chapter 4 and this chapter.

The energy derived from non-depletable sources and the reduction in conventional energy requirements derived from nocturnal cooling shall be separately identified from the overall building energy use. Supporting documentation, on the basis of the performance estimates for the aforementioned non-depletable energy sources or nocturnal cooling means, must be submitted.

Energy usage must be calculated in accordance with the design conditions and methods specified in this Code.

CHAPTER 6

PRESCRIPTIVE REQUIREMENTS APPROACH

NEW SECTION

WAC 51-12-600 SECTION 600. GENERAL.

- (a) This chapter establishes design criteria in terms of prescribed requirements for building construction.
- (b) The requirements contained in this chapter are applicable only to buildings less than 10,000 square feet in gross floor area or low-rise residential buildings. Other methods may be used provided a satisfactory design is submitted showing compliance with the performance standards of this Code.
- (c) Installed insulation having a minimum "R" value as specified in this chapter shall be accepted as providing the corresponding required "U" value.

NEW SECTION

WAC 51-12-601 SECTION 601. LOW-RISE RESIDENTIAL BUILDING ENVELOPE REQUIREMENTS.

For all components except for walls, the R values specified in Table 6-1 are for installed insulation material only. R values for construction are defined as any combination of rigid-sheathing, loose-fill, or batt insulation that achieves the prescribed R value. Where insulation is installed in a continuous manner and is not interrupted by occasional framing members, its R value may be increased by 20% in determining compliance with the requirements of this table. This allowance does not apply to insulation of slab on grade.

- (a) Walls. The total assembly of opaque exterior wall sections walls in finished basements, and the interior walls exposed to unheated spaces shall have a thermal resistance R value and shall not be less than the values specified in Table 6-1. Total wall assembly R values include values for insulation, sheathing, gypsum-board, air-films, earth, concrete, etc. The following walls shall be considered to meet the R-19 total assembly criteria without additional documentation:
 - 1. 2" x 6" with installed R-19 batt.
 - 2" x 4" with an installed R-13 batt and R-5 insulating sheathing.
 - 3. 2" x 4" with an installed R-11 batt and R-5.4 insulating sheathing.
 - EXCEPTION: Concrete or masonry foundation walls of unfinished basements that have one-foot or less of the wall above grade need not be insulated until finished, provided that:
 - Any frame walls comply with the requirements of Table 6-1;
 - 2. The rim-joist are properly insulated;
 - All walls that are more than an average of one-foot above grade are insulated to meet the requirements of Table 6-1.
- (b) Roof/Ceiling. The roof/ceiling assembly shall have a thermal resistance "R" value and shall not be less than the value specified for the indicated type of construction in Table 6-1.

EXCEPTION: Insulation levels in the case of single rafter

or joist vaulted ceilings. These types of ceilings may be insulated to a level of R-30, regardless of space-heating source.

- (c) Thermal Design Standards for Floors.
 - Slab on Grade Floors. For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 6-1.
 - Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches, or downward to the bottom of the slab; then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward a minimum of 6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.
 - Floor Sections. Floor sections over unheated spaces, such as unheated basements, unheated garages or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 6-

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages, or under floor areas used as HVAC plenums or in Zone II where operable foundation vents are used and when foundation walls are insulated. When foundation walls are insulated in accordance with Section 601(a), the insulation shall be attached in a permanent manner.

- (d) Thermal Design Standards for Openings.
 - At a minimum, all windows must be double-glazed, and are classed according to U values as shown on Table 6-2. Glazing requirements are listed in Table 6-4.
 - 2. At a minimum, all skylights must be double-glazed. The area of Class 1 skylights and Class 1 exterior windows sloped more than 30° from the vertical shall be doubled and this area included in the percentage of the total glazing area as allowed for in Table 6-4. Class 2 or Class 3 glazing in skylights or Class 2 or Class 3 windows sloped more than 30° from the vertical shall not be doubled.
 - 3. Single glazing for ornamental, security or architectural purposes shall have its area doubled and shall be included in the percentage of the total glazing area as allowed for in Table 6-4. The maximum area (before doubling) allowed for the total of all single glazing is 1% of the floor area.
- (e) Air Leakage.
 - Windows and Doors. All windows within a wall and doors shall conform to the air infiltration requirements specified in Section 405. Site built windows shall be constructed to minimize leakage.
 - EXCEPTION: Required fire doors with a fire resistance rating over one (1) hour and fire windows are exempt from this section.
 - Exterior joints around windows and door frames, openings between walls and foundations, between walls and roof and between wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other such openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.
- (f) Moisture Control. Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases:
 - Walls separating conditioned space from unconditioned space shall have a vapor retarder installed when thermal insulation is installed. The vapor retarder shall have a one perm dry cup rating or less.
 - Roof ceilings:
 - A. Roof ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with

- a vapor retarder having a dry cup perm rating of 1.0 or less.
- B. Vapor retarders shall not be required in roof ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.
- C. Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.
- D. Vapor retarders with a 1.0 or less dry cup perm rating shall be installed in roof ceiling assemblies where the insulation is comprised of insulation between the roofing membrane and the structural roof decking and insulation below the structural roof decking.
- 3. Ground Cover.

A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at joints and shall extend over the top of the footing.

EXCEPTION: The ground cover may be omitted in unheated crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches

- (g) General Requirements for Loose Fill Insulation. Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.
- (h) Space Heat Type. The following four categories comprise all space heating types:
 - Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.

EXCEPTIONS: Electric resistance elements which are integral to either heat pump or passive solar heating systems (as defined below), or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling, or; 2) 1.0 watts per square foot of the gross floor area.

- Electric, Passive Solar. Electric resistance space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).
- Other. Includes all gas, wood, oil, propane, and electric heat pump space heating systems, unless electric resistance is used as a secondary heating system.
 (See EXCEPTIONS, Electric Resistance, Section 601 (h) 1. above.)
- 4. Other, Passive Solar. Other types of space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).

Non-electric heat pump heating systems are also included in this category.

- (i) Passive Solar Glazing. Glazing areas are required to meet the following criteria in order to be considered Passive Solar Glazing.
 - Glazing areas are required to meet the "Electric, Passive Solar" and "Other, Passive Solar" glazing requirements of Table 6-4.
 - The south glazing shall be oriented within 45 degrees of true south.
 - The glazing shall be mounted at least 60 degrees up from the horizontal.

- The glazing shall have a transmission coefficient greater than or equal to 0.80 for visible light or greater than or equal to 0.73 for total solar radiation.
- Documentation shall be provided in the form of a sun chart, a photograph, or approved evidence, demonstrating that the glazing area shall not be shaded for at least 4 hours between 8 a.m. and 4 p.m. standard time on January 21 and March 21.
- The building shall contain a heat capacity equal to a four inch concrete slab. The heat capacity shall be equivalent to at least 20 Btu/degree F-ft² for each square foot of south glazing when the south glazing area is between 10% and 14% of the building's gross floor area, and at least 45 Btu/degree F-ft2 for each square foot of south glazing when the south area glazing exceeds 14 percent of gross floor area. In buildings with south glazing area between 10% and 14% of gross floor area, the heat capacity provided by a four inch concrete slab shall be deemed sufficient. This heat storage capacity shall be located inside the insulated shell of the structure and not covered with insulation materials, such as carpet, which yield an R value of 1.0 or greater. If the storage medium is not within the space containing the south glazing, an approved natural or mechanical means of transferring the heat to the heat storage medium shall be provided. Heat storage capacity shall be calculated using the below equation and/or accepted analytical methods:

 $HS = D \times SH \times V$

WHERE:

- HS = Heat Storage. The heat storage capacity available inside the insulated space.
- V = Volume of heat storage components.
- D = Density of material inside the insulated shell of the building to a depth yielding a thermal resistance of R-1, except in the case of slab floors where only the slab itself is credited. Mass located in conditioned or unconditioned basements without solar glazing shall not be counted (lbs/cu ft).
- SH = Specific heat of the material (Btu/lb/°F).
- (j) Ventilation: Enclosed joist or rafter spaces formed where ceilings are applied directly to the under side of roof joists or rafters must have joists or rafters of sufficient size to provide a minimum of one inch clear vented air space above the insulation (see also Section 3205 (c) of UBC). Ceiling insulation may be tapered or compressed at the perimeter to permit proper venting.

NEW SECTION

WAC 51-12-602 SECTION 602. BUILDING MECHANICAL SYSTEMS—GENERAL.

All HVAC devices, components and their elements shall conform to the requirements of this section.

(a) Heating and Mechanical Cooling Devices.

- All heating and mechanical cooling devices shall meet the required efficiency factor specified herein or in Tables 4-12, 4-13, 4-14, and 4-15, 6-3, and 6-4, for the specific type of device.
- Combustion Heating Equipment. All gas and oil fired heating equipment shall meet the minimum combustion efficiencies as specified in Table 6-4.
- 3. Fireplaces shall be provided with:
 - A. Tightly fitting flue dampers, operated with a readily accessible manual or approved automatic control.
 - EXCEPTION: Fireplaces with gas logs installed in accordance with UMC 803 shall be equipped with tightly fitting glass or metal doors.
 - An outside source for combustion air. The duct shall be at least six square inches in area, and

shall be provided with a readily operable damper.

4. Calculation of Heating and Cooling Loads. Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice. The design parameters specified in Chapter 3 shall apply for all computations.

HVAC equipment for low-rise residential buildings shall be sized no greater than 150 percent of the design load as calculated above.

EXCEPTION: The following exemption from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas—pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

(b) Temperature Control.

Each heating system shall be provided with at least one thermostat for the regulation of temperature. Each thermostat shall be capable of being set as follows:

Where used to control heating only-55-75°;

Where used to control cooling only-70-85°;

Where used to control both heating and cooling, it shall conform to the requirements of Section 415.

(c) Zoning for Temperature Control

1. Group R-3 Occupancy

At least one thermostat for regulation of space temperature shall be provided for each separate HVAC system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating or cooling input to each zone or floor.

EXCEPTION: Nonconditioned basements and garages.

2. Group R-1 Occupancy.

For multi-family dwellings, each individual dwelling unit shall be considered separately and shall meet the requirements of Section 602. Spaces other than living units shall meet the requirements of section 415 (c) 1.

3. Control Setback and Shutoff: Group R-1 and R-2. The thermostat required in (a) and (b) or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during periods of non-use or reduced need such as, but not limited to, unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

4. Duct Insulation.

All ducts, plenums and enclosures installed in or on buildings shall be thermally insulated and constructed in accordance with Section 416.

Pipe Insulation.

All piping installed to serve buildings or within buildings shall be thermally insulated in accordance with Table 4-17.

EXCEPTION: For service water heating systems, see Section 603.

NEW SECTION

WAC 51-12-603 SECTION 603. LOW-RISE RESIDENTIAL SERVICE WATER HEATING.

Water heating storage tanks, boilers and piping for all water heating systems shall be installed in accordance with the following:

(a) Temperature Controls.

Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use.

b) Swimming Pools

Heated swimming pools shall be equipped with:

- . A pool cover at the surface of the water.
- A label on the pool heater that provides the following information: (the following recommendations replace requirements for temperature and on/off controls):

Pool heating—78°F is the recommended healthful swimming pool temperature for most people. The water heater thermostat should be set at 78°F, marked to identify the setting, and further adjustments should be discouraged. An increase of 4°F (such as from 78°F to 82°F) could increase energy consumption by as much as 40 percent.

Filter system—the time clock for operating the filter system should be set to operate the filter system for the minimum number of hours of operation required to maintain clean and healthful pool water.

Pool cover—it is recommended that the pool be covered except when the pool is in use. Use of the cover can cut pool heating costs by as much as 70 percent.

(c) Pump Operation

Circulating hot water systems shall be arranged so that the circulating pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation

(d) Pipe Insulation for Recirculating Systems.

All recirculating system piping installed to serve buildings (and within) shall be thermally insulated in accordance with Section 422.

(e) Showers.

Showers used for other than safety reasons shall be equipped with flow control devices to limit total flow to a maximum of 3 gpm per shower head.

(f) Water Heater

Gas, oil fired water heaters, and electric storage water heaters must meet the requirements of ASHRAE Standards 90A-80, and be so labeled.

All electric water heaters in unheated spaces shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10. Electric water heaters placed on floors insulated to a minimum of R-10 shall be deemed to meet with this requirement.

NEW SECTION

WAC 51-12-604 SECTION 604. LOW-RISE RESIDENTIAL ELECTRICAL POWER AND LIGHTING.

The electrical power distribution and lighting systems shall conform to the requirements of section 424, et seq.

EXCEPTION: One and Two-family detached dwellings and the dwelling portion of Multi-family buildings are exempt from the requirements of this section.

NEW SECTION

WAC 51-12-605 SECTION 605. BUILDING ENVELOPE REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

Opaque Envelope Criteria. Roof/Ceilings, exterior walls, floors over unconditioned space, below grade walls and slab on grade floors enclosing heated spaces shall be insulated to not less than the nominal R value specified for roof/ceilings, exterior walls, floors over unconditioned space, below grade walls and slab on grade floors, respectively, in Table No. 6-5. Roof/ceilings enclosing mechanically cooled spaces shall be insulated to not less than the nominal R value specified for roof/ceilings in Table No. 6-5. Compliance with nominal R values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members.

Installation of materials shall comply with Section 402 (d) and (e). In addition, below grade wall insulation shall extend from the top of the wall to the top of the footing or floor slab. Slab on grade floor insulation shall be installed along the entire perimeter of slab on grade floors, except for any part of slab which extends into an unconditioned

space such as a garage, and shall extend downward from the top of the slab to the top of the footing or to the bottom of the thickened edge of a monolithic slab or for a minimum distance of 24 inches or downward to the bottom of the slab then horizontally beneath the slab for a minimum total distance of 24 inches and shall be an approved type.

(b) Glazing Criteria. All glazing shall be, at a minimum, double glazing. Insulating glass with at least 1/4 inch air space or approved storm sash will be considered as complying. The total glazing area shall not exceed the percentage of gross exterior wall area specified in Table No. 6-5.

EXCEPTION: Single-glazed doors may be installed provided that their area is doubled for the purpose of demonstrating compliance with the glazing area requirements.

(c) Air Leakage. All buildings shall comply with the air leakage requirement of Section 405.

NEW SECTION

WAC 51-12-606 SECTION 606. BUILDING MECHANICAL SYSTEM REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All building mechanical systems shall comply with the requirements of Sections 406 to 418, inclusive.

NEW SECTION

WAC 51-12-607 SECTION 607. SERVICE WATER HEATING REQUIREMENT FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All service water heating systems shall comply with the requirements of Sections 420 to 423, inclusive.

NEW SECTION

WAC 51-12-608 SECTION 608. ELECTRICAL POWER AND LIGHTING REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All electrical power and lighting systems shall comply with the requirements of Sections 424 to 426, inclusive.

TABLE 6-1

Low-Rise Residential Buildings

Minimum (average) Allowed R Values

Space Heat Type	Climatic Zone	Ceilings	Roof Deck		s Floors	Slab on Grade
Electric Resistance	I	38	38	19	19	8
Electric, Passive Solar	I	30	30	19	19	8
Other	I	30	30	19	19	8
Other, Passive Solar	I	30	30	19	19	8
Electric Resistance	II	38	38	19	25	10
Electric, Passive Solar	II	30	30	19	19	10
Other	H	30	30	19	19	8
Other, Passive Solar	II	30	30	19	19	8

TABLE 6-2 Low-Rise Residential Buildings Classes of Glazing

Class	U-Value	Window Thermal Testing Requirement	
1	.90	Untested	
1	Greater than .75	Tested	
2	.61 to .75	Tested	
3	Less than .61	Tested	

TABLE 6-3

Low-Rise Residential Buildings
Heat Pump Minimum Efficiencies

Source and Outdoor	Class	1	Class 2	
Temperature (°F)	СОР	HSPF	СОР	HSPF
Air Source – 47 dB/43 WB	2.7		2.5	
Air Source – 17 dB/43 WB			1.5	
Air Source		6.35		5.60
Water Source - 60 entering	3.0		2.5	
Ground Source	3.0		3.0	

TABLE 6-4

Low-Rise Residential Buildings
Glazing and Furnace
Efficiency Requirements

Space Heat Type	Climate Zone	Maximum Percei of Floor Area in Glazing	Glazing	AFUE*	Heat Pump Class
Electric Resistance	I	21%	3	n/a	n/a
Electric, Passive					
Solar	I	21%	3	n/a	n/a
Other	I	21%	2	.65	2
Other	I	21%	1	.74	1
Other, Passive Solar	· I	21%	1	.65	2
Electric Resistance Electric, Passive	II	17%	3	n/a	n/a
Solar	II	17%	3	n/a	n/a
Other	II	17%	2	.65	2
Other	ĪĪ	17%	1	.74	1
Other, Passive Solar	· <u>II</u>	17%	î	.65	2

TABLE NO. 6–5 COMPONENT REQUIREMENTS FOR ALL BUILDINGS OTHER THAN LOW–RISE RESIDENTIAL BUILDINGS

COMPONENT	ZONE I	ZONE II
SPACE CONDITIONING SYSTEM TYPE	Any	Any
OPAQUE ENVELOPE- Minimum nominal R value		
Roof/ceilings Exterior Walls Floors over	R-30 R-11	R-30 R-11
unconditioned space Below grade walls Slab on grade floors	R-11 R-4 R-8	R-11 R-5 R-10
GLAZING		
Туре	Double	Double
Maximum total area (percent of gross exterior wall)	32%	22%

WSR 85-18-069 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

Amd WAC 458-20-179 Public utility tax.

Amd WAC 458-20-189 Sales to and by the state of Washington, counties, cities, school districts, and other municipal subdivisions;

that the agency will at 1:30 p.m., Wednesday, October 9, 1985, in the First Floor Conference Room, General Administration Building, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 16, 1985.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is section 10, chapter 471, Laws of 1985, as yet uncodified, commonly referred to as Substitute Senate Bill 4228, section 10.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1985.

Dated: September 4, 1985

By: Matthew J. Coyle

Acting Director

STATEMENT OF PURPOSE

Title: WAC 458-20-179 Public utility tax.

Description of Purpose: To implement the provisions of section 10, chapter 471, Laws of 1985, which took effect on July 1, 1985, to reclassify the sewerage and refuse collection businesses from the service classification of business and occupation tax to the public utility tax under express classifications and tax rates. To define terms and explain exclusions of certain activities from the public utility tax. To explain the nonpyramiding nature of the tax and explain deductions from the tax measures. To further explain present provisions of the rule unaffected by new legislation and to delete specific inclusions of various, changeable tax rates. Emergency rule adoption is necessary because the law being implemented took effect on July 1, 1985.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Section 10, chapter 471, Laws of 1985, as yet uncodified, commonly referred to as Substitute Senate Bill 4228, section 10.

Reasons Supporting Proposed Action: Administration of this law requires certain definitions of terms, inclusions and exclusions of certain express activities, and an explanation of certain existing deductions from the measures of tax which were not always available before the business activities were reclassified for tax purposes by the law being implemented hereby. Additional house-keeping amendments to the rule are necessary for clarity, consistency, and uniformity of tax applications

^{*}AFUE applies only to central heating equipment. All other types of heating equipment fueled by gas, oil, or propane must be equipped with an intermittent ignition device in order to use Class 1 glazing.

already covered under the rule. Specific inclusions of prevailing tax rates need to be deleted to obviate the need for rule amendment whenever the rates may change.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

Title: WAC 458-20-189 Sales to and by the state of Washington, counties, cities, school districts, and other municipal subdivisions.

Description of Purpose: To implement the provisions of section 10, chapter 471, Laws of 1985, which took effect on July 1, 1985, to reclassify the sewerage and refuse collection businesses from the service classification of business and occupation tax to the public utility tax under express classifications and tax rates. To define terms and explain exclusions of certain activities from the public utility tax. To explain the nonpyramiding nature of the tax and explain deductions from the tax measures. To further explain present provisions of the rule unaffected by new legislation and to delete specific inclusions of various, changeable tax rates. Emergency rule adoption is necessary because the law being implemented took effect on July 1, 1985.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Section 10, chapter 471, Laws of 1985, as yet uncodified, commonly referred to as Substitute Senate Bill 4228, section 10.

Reasons Supporting Proposed Action: This rule required amendment to reflect the legislative reclassification of sewer and refuse collection services as explained above, and to crossreference to WAC 458-20-179 which expressly deals with such activities. Additional house-keeping amendments are necessary to clarify some kinds of activities and charges upon which governmental entities must collect retail sales tax and distinguish them from nonsales taxable similar activities.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order ET 82-13, filed 12/15/82)

WAC 458-20-179 PUBLIC UTILITY TAX. Persons engaged in certain public service businesses are taxable under the public utility tax, and are exempt from tax under the business and occupation tax with respect to such businesses. However, many persons taxable under the public utility tax are also engaged in some other business which is taxable under the business and occupation tax. For example, a light and power company engaged in operating a plant or system for distribution of electrical energy for sale, may also be engaged in selling at retail various electrical appliances. Such a company would be taxable under the public utility tax with respect to its last distribution of electric energy, and also taxable under the business and occupation tax with respect to its sale of electrical appliances.

Persons who are taxable under the public utility tax, ((and the rate of such tax,)) which is applied to gross income, are those engaged in the following businesses:

(((++))) Railroad, express, railroad car, water distribution, sewerage collection, refuse collection, light and power, ((telephone and)) telegraph((: Rate of tax 3.6%:

(2) Gas distribution. Rate of tax 3%.

(3) Urban transportation and common carrier vessels under 65 feet in length except tug boats operating upon the waters of the state of Washington. Rate of tax .6%:

(4) Motor transportation, tugboat businesses, and all public service businesses other than those heretofore mentioned. Rate of tax 1.8%)), gas distribution, urban transportation and common carrier vessels under 65 feet in length, motor transportation, tugboat businesses, and all public service businesses other than those heretofore mentioned.

The rates of tax ((shown)) for each business activity are imposed under RCW 82.16.020 and set forth on appropriate lines of the combined excise tax return forms.

The terms "sewerage collection" and "refuse collection" business include all activities engaged in relating to the collection, transfer, treatment, and ultimate disposition of sewage and refuse, including all operations incidental thereto. These terms are broadly construed to include the operations of all persons who render direct and/or indirect services in the process of gathering and disposing of sewage and/or refuse, whether such persons are acting as prime contractors, subcontractors, or independent service providers.

The term "sewerage" means waste material deposited into and carried off by sewers and sewer drains. The term "sewerage collection" does not include the activity of pumping or cleaning septic tanks or

renting, removing, and/or cleaning portable toilets.

The term "refuse" means garbage, trash, rubbish, or other materials discarded as worthless. The term "refuse collection" does not include the activity of collecting recyclable materials or salvaging other materials which contain valuable, recoverable ingredients, e.g., battery cores, used clothing, etc. Nor does this term include the removal, disposal, or treatment of hazardous or toxic waste, e.g., cleaning up oil or chemical spills, nuclear waste management, etc.

chemical spills, nuclear waste management, etc.

The term "public service businesses" includes any of the businesses defined in RCW 82.16.010 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (12) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business declared by the legislature to be a public utility, irrespective of whether eminent domain powers are had or state control is exercised. It includes, among others, without limiting the scope thereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

The term "subject to control by the state" means control by the utilities and transportation commission or any other state department required by law to exercise control of business of a public service nature as to rates charged or services rendered. However, businesses may be taxed under the public utility tax as public service businesses whether or not they are or have been regulated by the state.

The term "gross income" means "the value proceeding or accruing from the performance of the particular public service or transportation businesses involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses." The term "gross income" of a light and power business means those amounts or value accruing to a taxpayer from the "last distribution" of electrical energy which is a taxable event within this state. RCW 82.16.010(13).

LIGHT AND POWER BUSINESS — SPECIAL PROVISIONS. RCW 82.16.010(5) defines "light and power business" to mean the business of operating a plant or system for the generation, production, or distribution of electrical energy for hire or sale. It is the intent of the law that, except as provided below, all electrical energy generated, or produced, or distributed within this state shall be subject to the uniform tax rate for light and power business, but only at the time of its "last distribution" within this state.

The term "last distribution" means the final transmission or transfer of electrical energy before it is consumed in this state or before it is transmitted or transferred for sale to any point outside of this state. Thus, the taxable last distribution of electrical energy consumed within this state is the transmission or transfer of such energy to the consumer. The taxable last distribution of electrical energy for sale outside of

this state is the transmission or transfer of such energy to the transmission system from which it will be directly further transmitted or transferred to points outside this state whether under any wheeling arrangement or through the distributor's own transmission system or the transmission system of any out-of-state person. When a light and power business within this state delivers electric energy to an entity outside of this state in consideration of such entity's agreement to deliver electric energy to such business for consumption within this state, the taxable last distribution of such electrical energy is the transmission or transfer of energy to such business' consumers in this state.

An "exchange" of electrical energy or the rights thereto is not the last distribution of such energy. An exchange is a transaction involving a delivery or transfer of energy or the rights thereto by one party to another for which the second party agrees, subject to the terms and conditions of the agreement, to deliver electrical energy at the same or another time. Examples of nontaxable exchange transactions include, but are not limited to, the following:

- (1) The residential exchange of electric power entered into between a light and power business and the administrator of the Bonneville Power Administration pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96-501, Sec. 5(c), 16 U.S.C. 839(c) (Supp. 1982);
- (2) The exchange of electric power for electric power between one light and power business and another light and power business;
- (3) The transmission or transfer of electric power by one light and power business to another light and power business pursuant to the agreement for coordination of operations among power systems of the pacific northwest executed as of September 15, 1964;
- (4) The Bonneville Power Administration's acquisition of electric power for resale to its Washington customers in the light and power business.

Any consideration received in addition to or in excess of exchange power constitutes taxable consideration.

The taxpayer liable for the payment of public utility tax under the light and power business classification is the "person" (as defined by RCW 82.04.030) who last distributes electrical energy within this state as explained above. Electrical energy generated or transmitted by the United States Army Corps of Engineers, United States Bureau of Reclamation, or the Bonneville Power Administration is not subject to this tax unless and until it is transferred by such federal entity to another person engaged in the light and power business within this state and then only upon the last distribution of such energy by such light and power business.

For purposes of measuring the public utility tax liability, the "amount or value derived from the last distribution of electrical energy" (RCW 82.16.010(13) definition of "gross income") is the total consideration in terms of money or other value, however designated, received by or accruing to the taxpayer: PROVIDED, That the tax measure is the cost of production but not to exceed the fair market value of the electrical energy at the time it is generated in this state for any of the following: (a) For electrical energy generated in this state and transmitted or transferred by the person who generated the same to points outside this state without prior sale; and (b) for electrical energy sold pursuant to an agreement which requires the purchaser to pay certain costs of the generating facility without regard to the amount of electrical energy produced by such facility.

In distinguishing gross income taxable under the public utility tax from gross income taxable under the business and occupation tax, the department of revenue will be guided by the uniform system of accounts established for the specific type of utility concerned. However, because of differences in the uniform systems of accounts established for various types of utility businesses, such guides will not be deemed controlling for the purposes of classifying revenue under the Revenue

VOLUME EXEMPTION. Persons subject to the public utility tax are exempt from the payment of this tax for any reporting period in which taxable income reported under the combined total of all public utility tax classifications does not equal or exceed the minimum taxable amount for the reporting periods assigned to such persons according to the following schedule:

DEDUCTIONS. Amounts derived from the following sources do not constitute taxable income in computing tax under the public utility tax:

- (1) Amounts derived by municipally owned or operated public services businesses directly from taxes levied for the support thereof, but not including service charges which are spread on the property tax rolls and collected as taxes.
- (2) Amounts derived by persons engaged in the water distribution, or gas distribution business, from the sale of commodities to persons in the same public service business for resale as such within this state.
- (3) Amounts actually paid by a taxpayer to another person taxable under chapter 82.16 RCW as the latter's portion of the consideration due for services jointly furnished by both. This includes the amount paid to a ferry company for the transportation of a vehicle and its contents (but not amounts paid to state owned or operated ferries) when such vehicle is carrying freight or passengers for hire and is being operated by a person engaged in the business of urban transportation or motor transportation. It does not include amounts paid for the privilege of moving such vehicles over toll bridges. Also, for purposes of this deduction, all services rendered in connection with the collection, transfer, treatment, and disposal of sewage or refuse are deemed to be jointly rendered by service providers. (The effect of this deduction is to prevent the pyramiding or compounding of the public utility tax.)
- (4) Amounts derived from the distribution of water through an irrigation system, solely for irrigation purposes.
- (5) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or shipside on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destination: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such export elevator, wharf, dock, or shipside are located within the corporate limits of the same city or town
- (6) Amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the state of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes. The business and occupation tax is likewise inapplicable to such amounts. Service charges shall not be included in this exemption even though used wholly or in part for capital purposes.
- (7) Amounts derived from the distribution of water by a nonprofit water association which are used for capital improvements by that association.
- (8) Amounts received by cities, counties, towns, or municipal corporations as payment of a share of the cost of capital facilities, but excluding charges for utility services which may be used for capital purposes.
- (9) Amounts received for providing commuter share riding or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010.
- (10) Amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer. (For details see WAC 458-20-17901.)
- (11) Amounts equal to the cost of production at the plant for consumption in this state of:
- (a) Electrical energy produced from cogeneration as defined in RCW 82.35.020; and
- (b) Electrical energy or gas produced from renewable energy resources (e.g., solar, wind, hydro, geothermal, wood, wastes, and enduse waste heat. (For details see WAC 458-20-17901.)
- ((This deduction is allowable only for production facilities which at the time of placement into service have a total incremental system cost per unit of energy delivered to end use which is no greater than that of conventional production facilities using nuclear or fossil fuel resources which could be acquired to meet the same energy demand.

When revenue)) Income derived from any of the foregoing sources is to be included within the reported gross income, and the ((amount thereof)) applicable deductions may be ((deducted)) taken in computing tax liability.

Contributions in aid of construction not falling within item "6" above are subject to public utility tax, except that amounts received for line extensions, connection fees, and other charges for services rendered prior to the receipt of utility services by the customer against whom the charges are made are subject to business and occupation tax under the service and other activities classification rather than the public utility tax.

In addition to the foregoing deductions there also may be deducted from the reported gross income (if included therein), the following:

- (a) The amount of cash discount actually taken by the purchaser or customer.
 - (b) The amount of credit losses actually sustained.
- (c) Amounts received from insurance companies in payment of losses.
- (d) Amounts received from individuals and others in payment of damages caused by them to the utility's plant or equipment.

(For specific rules pertaining to the classifications of "urban transportation" and "motor transportation," see WAC 458-20-180, and of "warehouses," see WAC 458-20-182.)

AMENDATORY SECTION (Amending Order 85-1, filed 1/29/85)

WAC 458-20-189 SALES TO AND BY THE STATE OF WASHINGTON, COUNTIES, CITIES, SCHOOL DISTRICTS AND OTHER MUNICIPAL SUBDIVISIONS.

BUSINESS AND OCCUPATION TAX

No deduction is allowed a seller in computing tax under the provisions of the business and occupation tax with respect to sales to the state of Washington, its departments and institutions or to counties, cities, school districts, or other municipal subdivisions thereof.

The state of Washington, its departments and institutions, as distinct from its corporate agencies or instrumentalities, are not subject to the provisions of the business and occupation tax. Counties, cities, and other municipal subdivisions are not subject to the business and occupation tax upon amounts derived from license and permit fees, inspection fees, fees for copies of public records, reports and studies, processing fees involving fingerprinting and environmental impact statements, and taxes, fines or penalties, and interest thereon.

Counties, cities and other municipal subdivisions are taxable with respect to amounts derived, however designated, from any "utility or enterprise activity" for which a specific charge is made.

UTILITY ACTIVITIES

"Utility activities," which are taxable under the public utility tax, include water and electrical energy distribution ((and)), public transportation services (((taxable under the public utility tax, see WAC 458-20-179); and)), sewer services, solid waste treatment, and ((garbage)) refuse collection (((taxable under the service and other activities classification of the business and occupation tax))) services. (See WAC 458-20-179.)

ENTERPRISE ACTIVITY

An "enterprise activity," for the purposes of this rule, is an activity financed and operated in a manner similar to private business enterprises. The term includes activities which are generally in competition with private business enterprises and are over fifty percent funded by user fees. The term does not include activities which are exclusively governmental.

Amounts derived from enterprise activities consisting of or from admission fees to special events, user fees (lockers, checkrooms), moorage fees (less than thirty days), cemetery and crematory fees, the granting of media broadcasting rights, and the granting of a license to use real property are taxable under the service and other activities classification of the business and occupation tax.

Amounts derived from enterprise activities consisting of or from fees for participation in amusement or recreation (pay for play), user fees for off-street parking and garages, and charges for sale and rental of tangible personal property are taxable under the retailing classification of the business and occupation tax.

Under RCW 82.04.419, amounts derived from an activity which is not a "utility or enterprise activity" are tax exempt. Such tax exempt amounts include admission fees other than to special events, fees for

on-street metered parking and parking permits, instruction fees, health program fees, athletic team registration fees, and interagency and intergovernmental charges for services rendered.

All counties, cities and other municipal subdivisions engaging in utility or enterprise activities and all corporate agencies or instrumentalities of the state of Washington engaging in business activities are subject to tax as follows:

- (1) Extracting or manufacturing taxable upon the value of products manufactured or extracted.
 - (2) Retailing or wholesaling taxable upon gross proceeds of sales.
- (3) Persons taxable under either the retailing or wholesaling classifications are not taxable under either extracting or manufacturing in respect to sales of articles extracted or manufactured by them in this
- (4) Service and other business activities taxable under the service and other business activities classification upon the gross income derived from services rendered by them.
- (5) Public utility activities taxable upon the gross income of the business (see WAC 458-20-179 and 458-20-17901).

Counties and cities are not subject to the business and occupation tax on the cost of labor and service in the mining, sorting, crushing, screening, washing, hauling and stockpiling of sand, gravel and rock taken from a pit or quarry owned by or leased to the county or city when these materials are sold at cost to another county or city for use on public roads. (See also WAC 458-20-171.)

For operation of hospitals by the state or its political subdivisions see WAC 458-20-168 and 458-20-188.

The business and occupation tax does not apply to the value of materials printed solely for their own use by school districts, educational service districts, counties, cities, towns, libraries, or library districts.

RETAIL SALES TAX

The retail sales tax applies to all retail sales made to the state of Washington, its departments and institutions and to counties, cities, school districts and all other municipal subdivisions of the state. The retail sales tax does not apply to sales to city or county housing authorities which were created under the provisions of the Washington housing authorities law, chapter 35.82 RCW. An exemption is also allowed municipal corporations, the state and all political subdivisions thereof for that portion of the selling price of contracts for watershed protection or flood control which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Law 566, as amended. The retail sales tax does not apply to sales of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any public utility enterprise except a tugboat business (RCW 82.08.0256).

Where tangible personal property or taxable services are purchased by the state of Washington, its departments or institutions for the purpose of resale to any other department or institution of the state of Washington, or for the purpose of consuming the property purchased in manufacturing or producing for use or for resale to any other department or institution of the state of Washington a new article of which such property is an ingredient or component part, the transaction is deemed a purchase at retail and the retail sales tax must be paid by the state of Washington to its vendors. So-called sales between a department or institution of the state of Washington and any other such department or institution constitute interdepartmental charges (see WAC 458-20-201) and the retail sales tax is not applicable.

The state of Washington, its departments and institutions and all counties, cities, and other municipal subdivisions are required to collect the retail sales tax on all retail sales of tangible personal property or services classified as retail sales, including sales of equipment or other capital assets. The retail sales tax is not applicable to charges for the production, searching, or copying of public records or documents by state departments, agencies, or institutions charged with the responsibility to keep and provide such information. However, the tax does apply to charges for the sale of books, rules, regulations, and other state produced materials sold from an inventory of such things, even though the charge is required by law or covers only the costs of production and distribution of such materials. The retail sales tax is not applicable to the cost of labor and services in the mining, sorting, crushing, screening, washing, hauling and stockpiling of sand, gravel and rock taken from a pit or quarry owned by or leased to the county or city when these materials are sold at cost to another county or city for use on public roads. (See also WAC 458-20-171.)

The sales tax does not apply to sales to the state or a local governmental unit thereof of ferry vessels, component parts thereof, nor labor and services in respect to construction or improvement of such vessels.

USE TAX

The state of Washington, its departments and institutions and all counties, cities, school districts, and other municipal subdivisions are required to report the use tax upon the use of all tangible personal property purchased or acquired under conditions whereby the Washington retail sales tax has not been paid.

Counties and cities are not subject to use tax upon the cost of labor and services in the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel, and rock taken from a pit or quarry owned or leased to a county or city when the materials are for use on public roads.

The use tax does not apply to the use of ferry vessels or component parts thereof by the state or local governmental units.

PUBLIC UTILITY TAX

No deduction in computing tax liability under the provisions of the public utility tax is allowed to any person or firm by reason of the fact that sales are to the state of Washington or any of its municipal subdivisions.

Counties, cities and other municipal subdivisions of the state operating public utilities or public service businesses are subject to the provisions of the public utility tax.

Neither the public utility tax nor the business tax apply to amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the state of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes. Service charges shall not be included in this exemption even though used wholly or in part for capital purposes (see WAC 458-20-179).

Where there is doubt as to the tax consequences applicable to any activity or transaction, the question should be submitted to the department of revenue for determination.

WSR 85-18-070 EMERGENCY RULES DEPARTMENT OF REVENUE

[Order 85-3-Filed September 4, 1985]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 458-20-179 Public utility tax.

Amd WAC 458-20-189 Sales to and by the state of Washington, counties, cities, school districts, and other municipal subdivisions.

I, Matthew J. Coyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is emergency rule adoption is necessary because the law being implemented took effect on July 1, 1985.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED September 4, 1985.

By Matthew J. Coyle Acting Director

AMENDATORY SECTION (Amending Order ET 82–13, filed 12/15/82)

WAC 458-20-179 PUBLIC UTILITY TAX. Persons engaged in certain public service businesses are taxable under the public utility tax, and are exempt from tax under the business and occupation tax with respect to such businesses. However, many persons taxable under the public utility tax are also engaged in some other business which is taxable under the business and occupation tax. For example, a light and power company engaged in operating a plant or system for distribution of electrical energy for sale, may also be engaged in selling at retail various electrical appliances. Such a company would be taxable under the public utility tax with respect to its last distribution of electric energy, and also taxable under the business and occupation tax with respect to its sale of electrical appliances.

Persons who are taxable under the public utility tax, ((and the rate of such tax,)) which is applied to gross income, are those engaged in the following businesses:

- (((1))) Railroad, express, railroad car, water distribution, sewerage collection, refuse collection, light and power, ((telephone and)) telegraph((. Rate of tax 3.6%.
 - (2) Gas distribution. Rate of tax 3%.
- (3) Urban transportation and common carrier vessels under 65 feet in length except tug boats operating upon the waters of the state of Washington. Rate of tax .6%.
- (4) Motor transportation, tugboat businesses, and all public service businesses other than those heretofore mentioned. Rate of tax 1.8%)), gas distribution, urban transportation and common carrier vessels under 65 feet in length, motor transportation, tugboat businesses, and all public service businesses other than those heretofore mentioned.

The rates of tax ((shown)) for each business activity are imposed under RCW 82.16.020 and set forth on appropriate lines of the combined excise tax return forms.

The terms "sewerage collection" and "refuse collection" business include all activities engaged in relating to the collection, transfer, treatment, and ultimate disposition of sewage and refuse, including all operations incidental thereto. These terms are broadly construed to include the operations of all persons who render direct and/or indirect services in the process of gathering and disposing of sewage and/or refuse, whether such persons are acting as prime contractors, subcontractors, or independent service providers.

The term "sewerage" means waste material deposited into and carried off by sewers and sewer drains. The term "sewerage collection" does not include the activity of pumping or cleaning septic tanks or renting, removing, and/or cleaning portable toilets.

The term "refuse" means garbage, trash, rubbish, or other materials discarded as worthless. The term "refuse collection" does not include the activity of collecting recyclable materials or salvaging other materials which contain valuable, recoverable ingredients, e.g., battery cores, used clothing, etc. Nor does this term include the removal, disposal, or treatment of hazardous or toxic waste, e.g. cleaning up oil or chemical spills, nuclear waste management, etc.

The term "public service businesses" includes any of the businesses defined in RCW 82.16.010 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (12) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business declared by the legislature to be a public utility, irrespective of whether eminent domain powers are had or state control is exercised. It includes, among others, without limiting the scope thereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

The term "subject to control by the state" means control by the utilities and transportation commission or any other state department required by law to exercise control of business of a public service nature as to rates charged or services rendered. However, businesses may be taxed under the public utility tax as public service businesses whether or not they are or have been regulated by the state.

The term "gross income" means "the value proceeding or accruing from the performance of the particular public service or transportation businesses involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses." The term "gross income" of a light and power business means those amounts or value accruing to a taxpayer from the "last distribution" of electrical energy which is a taxable event within this state. RCW 82.16.010(13).

LIGHT AND POWER BUSINESS — SPECIAL PROVISIONS. RCW 82.16.010(5) defines "light and power business" to mean the business of operating a plant or system for the generation, production, or distribution of electrical energy for hire or sale. It is the intent of the law that, except as provided below, all electrical energy generated, or produced, or distributed within this state shall be subject to the uniform tax rate for light and power business, but only at the time of its "last distribution" within this state.

The term "last distribution" means the final transmission or transfer of electrical energy before it is consumed in this state or before it is transmitted or transferred for sale to any point outside of this state. Thus, the taxable last distribution of electrical energy consumed within this state is the transmission or transfer of such energy to the consumer. The taxable last distribution of electrical energy for sale outside of this state is the transmission or transfer of such energy to the transmission system from which it will be directly further transmitted

or transferred to points outside this state whether under any wheeling arrangement or through the distributor's own transmission system or the transmission system of any out-of-state person. When a light and power business within this state delivers electric energy to an entity outside of this state in consideration of such entity's agreement to deliver electric energy to such business for consumption within this state, the taxable last distribution of such electrical energy is the transmission or transfer of energy to such business' consumers in this state

An "exchange" of electrical energy or the rights thereto is not the last distribution of such energy. An exchange is a transaction involving a delivery or transfer of energy or the rights thereto by one party to another for which the second party agrees, subject to the terms and conditions of the agreement, to deliver electrical energy at the same or another time. Examples of nontaxable exchange transactions include, but are not limited to, the following:

- (1) The residential exchange of electric power entered into between a light and power business and the administrator of the Bonneville Power Administration pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96-501, Sec. 5(c), 16 U.S.C. 839(c) (Supp. 1982);
- (2) The exchange of electric power for electric power between one light and power business and another light and power business;
- (3) The transmission or transfer of electric power by one light and power business to another light and power business pursuant to the agreement for coordination of operations among power systems of the pacific northwest executed as of September 15, 1964;
- (4) The Bonneville Power Administration's acquisition of electric power for resale to its Washington customers in the light and power business.

Any consideration received in addition to or in excess of exchange power constitutes taxable consideration.

The taxpayer liable for the payment of public utility tax under the light and power business classification is the "person" (as defined by RCW 82.04.030) who last distributes electrical energy within this state as explained above. Electrical energy generated or transmitted by the United States Army Corps of Engineers, United States Bureau of Reclamation, or the Bonneville Power Administration is not subject to this tax unless and until it is transferred by such federal entity to another person engaged in the light and power business within this state and then only upon the last distribution of such energy by such light and power business.

For purposes of measuring the public utility tax liability, the "amount or value derived from the last distribution of electrical energy" (RCW 82.16.010(13) definition of "gross income") is the total consideration in terms of money or other value, however designated, received by or accruing to the taxpayer: PROVIDED, That the tax measure is the cost of production but not to exceed the fair market value of the electrical energy at the time it is generated in this state for any of the following: (a) For electrical energy generated in this state

and transmitted or transferred by the person who generated the same to points outside this state without prior sale, and (b) for electrical energy sold pursuant to an agreement which requires the purchaser to pay certain costs of the generating facility without regard to the amount of electrical energy produced by such facility.

In distinguishing gross income taxable under the public utility tax from gross income taxable under the business and occupation tax, the department of revenue will be guided by the uniform system of accounts established for the specific type of utility concerned. However, because of differences in the uniform systems of accounts established for various types of utility businesses, such guides will not be deemed controlling for the purposes of classifying revenue under the Revenue Act.

VOLUME EXEMPTION. Persons subject to the public utility tax are exempt from the payment of this tax for any reporting period in which taxable income reported under the combined total of all public utility tax classifications does not equal or exceed the minimum taxable amount for the reporting periods assigned to such persons according to the following schedule:

Monthly reporting basis \$500 per month Quarterly reporting basis \$1500 per quarter Annual reporting basis \$6000 per annum

DEDUCTIONS. Amounts derived from the following sources do not constitute taxable income in computing tax under the public utility tax:

- (1) Amounts derived by municipally owned or operated public services businesses directly from taxes levied for the support thereof, but not including service charges which are spread on the property tax rolls and collected as taxes.
- (2) Amounts derived by persons engaged in the water distribution, or gas distribution business, from the sale of commodities to persons in the same public service business for resale as such within this state.
- (3) Amounts actually paid by a taxpayer to another person taxable under chapter 82.16 RCW as the latter's portion of the consideration due for services jointly furnished by both. This includes the amount paid to a ferry company for the transportation of a vehicle and its contents (but not amounts paid to state owned or operated ferries) when such vehicle is carrying freight or passengers for hire and is being operated by a person engaged in the business of urban transportation or motor transportation. It does not include amounts paid for the privilege of moving such vehicles over toll bridges. Also, for purposes of this deduction, all services rendered in connection with the collection, transfer, treatment, and disposal of sewage or refuse are deemed to be jointly rendered by service providers. (The effect of this deduction is to prevent the pyramiding or compounding of the public utility tax.)
- (4) Amounts derived from the distribution of water through an irrigation system, solely for irrigation purposes.
- (5) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state with respect to

which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or shipside on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destination: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such export elevator, wharf, dock, or shipside are located within the corporate limits of the same city or town.

- (6) Amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the state of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes. The business and occupation tax is likewise inapplicable to such amounts. Service charges shall not be included in this exemption even though used wholly or in part for capital purposes.
- (7) Amounts derived from the distribution of water by a nonprofit water association which are used for capital improvements by that association.
- (8) Amounts received by cities, counties, towns, or municipal corporations as payment of a share of the cost of capital facilities, but excluding charges for utility services which may be used for capital purposes.
- (9) Amounts received for providing commuter share riding or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010.
- (10) Amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer. (For details see WAC 458-20-17901.)
- (11) Amounts equal to the cost of production at the plant for consumption in this state of:
- (a) Electrical energy produced from cogeneration as defined in RCW 82.35.020, and
- (b) Electrical energy or gas produced from renewable energy resources (e.g., solar, wind, hydro, geothermal, wood, wastes, and end-use waste heat. (For details see WAC 458-20-17901.)
- ((This deduction is allowable only for production facilities which at the time of placement into service have a total incremental system cost per unit of energy delivered to end use which is no greater than that of conventional production facilities using nuclear or fossil fuel resources which could be acquired to meet the same energy demand.

When revenue)) Income derived from any of the foregoing sources is to be included within the reported gross

income, <u>and</u> the ((amount thereof)) <u>applicable deductions</u> may be ((deducted)) <u>taken</u> in computing tax liability.

Contributions in aid of construction not falling within item "6" above are subject to public utility tax, except that amounts received for line extensions, connection fees, and other charges for services rendered prior to the receipt of utility services by the customer against whom the charges are made are subject to business and occupation tax under the service and other activities classification rather than the public utility tax.

In addition to the foregoing deductions there also may be deducted from the reported gross income (if included therein), the following:

- (a) The amount of cash discount actually taken by the purchaser or customer.
 - (b) The amount of credit losses actually sustained.
- (c) Amounts received from insurance companies in payment of losses.
- (d) Amounts received from individuals and others in payment of damages caused by them to the utility's plant or equipment.

(For specific rules pertaining to the classifications of "urban transportation" and "motor transportation," see WAC 458-20-180, and of "warehouses," see WAC 458-20-182.)

<u>AMENDATORY SECTION</u> (Amending Order 85-1, filed 1/29/85)

WAC 458-20-189 SALES TO AND BY THE STATE OF WASHINGTON, COUNTIES, CITIES, SCHOOL DISTRICTS AND OTHER MUNICIPAL SUBDIVISIONS.

BUSINESS AND OCCUPATION TAX

No deduction is allowed a seller in computing tax under the provisions of the business and occupation tax with respect to sales to the state of Washington, its departments and institutions or to counties, cities, school districts, or other municipal subdivisions thereof.

The state of Washington, its departments and institutions, as distinct from its corporate agencies or instrumentalities, are not subject to the provisions of the business and occupation tax. Counties, cities, and other municipal subdivisions are not subject to the business and occupation tax upon amounts derived from license and permit fees, inspection fees, fees for copies of public records, reports and studies, processing fees involving fingerprinting and environmental impact statements, and taxes, fines or penalties, and interest thereon.

Counties, cities and other municipal subdivisions are taxable with respect to amounts derived, however designated, from any "utility or enterprise activity" for which a specific charge is made.

UTILITY ACTIVITIES

"Utility activities," which are taxable under the public utility tax, include water and electrical energy distribution ((and)), public transportation services (((taxable under the public utility tax, see WAC 458-20-179); and)), sewer services, solid waste treatment, and ((garbage)) refuse collection (((taxable under the service and

other activities classification of the business and occupation tax))) services. (See WAC 458-20-179.)

ENTERPRISE ACTIVITY

An "enterprise activity," for the purposes of this rule, is an activity financed and operated in a manner similar to private business enterprises. The term includes activities which are generally in competition with private business enterprises and are over fifty percent funded by user fees. The term does not include activities which are exclusively governmental.

Amounts derived from enterprise activities consisting of or from admission fees to special events, user fees (lockers, checkrooms), moorage fees (less than thirty days), cemetery and crematory fees, the granting of media broadcasting rights, and the granting of a license to use real property are taxable under the service and other activities classification of the business and occupation tax

Amounts derived from enterprise activities consisting of or from fees for participation in amusement or recreation (pay for play), user fees for off-street parking and garages, and charges for sale and rental of tangible personal property are taxable under the retailing classification of the business and occupation tax.

Under RCW 82.04.419, amounts derived from an activity which is not a "utility or enterprise activity" are tax exempt. Such tax exempt amounts include admission fees other than to special events, fees for on-street metered parking and parking permits, instruction fees, health program fees, athletic team registration fees, and interagency and intergovernmental charges for services rendered.

All counties, cities and other municipal subdivisions engaging in utility or enterprise activities and all corporate agencies or instrumentalities of the state of Washington engaging in business activities are subject to tax as follows:

- (1) Extracting or manufacturing taxable upon the value of products manufactured or extracted.
- (2) Retailing or wholesaling taxable upon gross proceeds of sales.
- (3) Persons taxable under either the retailing or wholesaling classifications are not taxable under either extracting or manufacturing in respect to sales of articles extracted or manufactured by them in this state.
- (4) Service and other business activities taxable under the service and other business activities classification upon the gross income derived from services rendered by them.
- (5) Public utility activities taxable upon the gross income of the business (see WAC 458–20–179 and 458–20–17901).

Counties and cities are not subject to the business and occupation tax on the cost of labor and service in the mining, sorting, crushing, screening, washing, hauling and stockpiling of sand, gravel and rock taken from a pit or quarry owned by or leased to the county or city when these materials are sold at cost to another county or city for use on public roads. (See also WAC 458-20-171.)

For operation of hospitals by the state or its political subdivisions see WAC 458-20-168 and 458-20-188.

The business and occupation tax does not apply to the value of materials printed solely for their own use by school districts, educational service districts, counties, cities, towns, libraries, or library districts.

RETAIL SALES TAX

The retail sales tax applies to all retail sales made to the state of Washington, its departments and institutions and to counties, cities, school districts and all other municipal subdivisions of the state. The retail sales tax does not apply to sales to city or county housing authorities which were created under the provisions of the Washington housing authorities law, chapter 35.82 RCW. An exemption is also allowed municipal corporations, the state and all political subdivisions thereof for that portion of the selling price of contracts for watershed protection or flood control which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act. Public Law 566, as amended. The retail sales tax does not apply to sales of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any public utility enterprise except a tugboat business (RCW 82.08.0256).

Where tangible personal property or taxable services are purchased by the state of Washington, its departments or institutions for the purpose of resale to any other department or institution of the state of Washington, or for the purpose of consuming the property purchased in manufacturing or producing for use or for resale to any other department or institution of the state of Washington a new article of which such property is an ingredient or component part, the transaction is deemed a purchase at retail and the retail sales tax must be paid by the state of Washington to its vendors. Socalled sales between a department or institution of the state of Washington and any other such department or institution constitute interdepartmental charges (see WAC 458-20-201) and the retail sales tax is not applicable.

The state of Washington, its departments and institutions and all counties, cities, and other municipal subdivisions are required to collect the retail sales tax on all retail sales of tangible personal property or services classified as retail sales, including sales of equipment or other capital assets. The retail sales tax is not applicable to charges for the production, searching, or copying of public records or documents by state departments, agencies, or institutions charged with the responsibility to keep and provide such information. However, the tax does apply to charges for the sale of books, rules, regulations, and other state produced materials sold from an inventory of such things, even though the charge is required by law or covers only the costs of production and distribution of such materials. The retail sales tax is not applicable to the cost of labor and services in the mining, sorting, crushing, screening, washing, hauling and stockpiling of sand, gravel and rock taken from a pit or quarry owned by or leased to the county or city when these materials are sold at cost to another county or city for use on public roads. (See also WAC 458-20-171.)

The sales tax does not apply to sales to the state or a local governmental unit thereof of ferry vessels, component parts thereof, nor labor and services in respect to construction or improvement of such vessels.

USE TAX

The state of Washington, its departments and institutions and all counties, cities, school districts, and other municipal subdivisions are required to report the use tax upon the use of all tangible personal property purchased or acquired under conditions whereby the Washington retail sales tax has not been paid.

Counties and cities are not subject to use tax upon the cost of labor and services in the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel, and rock taken from a pit or quarry owned or leased to a county or city when the materials are for use on public roads.

The use tax does not apply to the use of ferry vessels or component parts thereof by the state or local governmental units.

PUBLIC UTILITY TAX

No deduction in computing tax liability under the provisions of the public utility tax is allowed to any person or firm by reason of the fact that sales are to the state of Washington or any of its municipal subdivisions.

Counties, cities and other municipal subdivisions of the state operating public utilities or public service businesses are subject to the provisions of the public utility tax.

Neither the public utility tax nor the business tax apply to amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the state of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes. Service charges shall not be included in this exemption even though used wholly or in part for capital purposes (see WAC 458-20-179).

Where there is doubt as to the tax consequences applicable to any activity or transaction, the question should be submitted to the department of revenue for determination.

WSR 85-18-071 EMERGENCY RULES DEPARTMENT OF GAME

(Game Commission)
[Order 274—Filed September 4, 1985]

Be it resolved by the Washington State Game Commission, acting at Olympia, conference call, that it does adopt the annexed rules relating to regulation change for

1985-86 Upland game bird and migratory waterfowl seasons, WAC 232-28-40901.

We, the Washington State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the U.S. Fish and Wildlife Service has established more restrictive migratory waterfowl seasons than those passed by the Washington State Game Commission on August 19, 1985. This was done to provide further protection for depressed mallard and pintail breeding population levels in 1985. Washington hunting seasons for duck, coot, and snipe must be changed to comply with the more restrictive federal regulations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 31, 1985.

By Jack S. Wayland for Archie U. Mills Chairman, Game Commission

NEW SECTION

WAC 232-28-40901 REGULATION CHANGE FOR 1985-86 UPLAND GAME BIRD AND MI-GRATORY WATERFOWL SEASONS. Notwithstanding the provisions of WAC 232-28-409, effective August 31, 1985, the season for hunting of ducks, coot and snipe shall be as follows. The statewide daily bag limit for ducks is 5, not to include more than one female mallard and one female pintail and either 2 canvasbacks or 2 redheads or one of each. The statewide possession limit for ducks is 10, not to include more than two female mallards and two female pintails and not more than 4 shall be redheads and/or canvasbacks. For western Washington, the season shall extend from October 12, 1985 through November 1, 1985 and from November 16, 1985 through January 12, 1986. For eastern Washington the season shall extend from October 12, 1985 through January 5, 1986.

The statewide falconry season for migratory waterfowl shall extend from October 8, 1985 through January 13, 1986.

WSR 85-18-072 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 251-14-080	Unfair labor practices-Powers of
		board—Procedure.
New	WAC 251-14-082	Investigation of and disposition of unfair
		labor practice charges.
New	WAC 251-14-083	Unfair labor practice notice and com-
		plaintProcedure.
New	WAC 251-14-084	Hearings and investigation-Unfair la-
		bor practice.
New	WAC 251-14-085	Enforcement—Unfair labor practice;

that the agency will at 9:00 a.m., Friday, October 18, 1985, in the Board Room, Western Washington University, Bellingham, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1985.

Dated: September 4, 1985 By: John A. Spitz Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on September 4, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-14-080 Unfair labor practices—Powers of board—Procedure.

Statutory Authority: RCW 28B.16.230 and 41.56.140 through 41.56.190.

Purpose of Existing Rules: Explain the powers of the board as they relate to unfair labor practices and the procedures for filing, investigation, and hearing of same.

Summary of Proposed Changes: WAC 251-14-080 has been broken into five sections in order to make the rule easier to read and understand. The five sections are as follows: WAC 251-14-080, 251-14-082, 251-14-083, 251-14-084 and 251-14-085. New language has been added to the following sections: WAC 251-14-080 [(2)](c), (d), (e) and (f): The additions to present language have been added to be more specific in what is required information when filing an unfair labor practice charge. WAC 251-14-082 (2) and (3): The procedure to follow after an unfair labor practice charge has been filed has been made more specific. WAC 251-14-083(3): The procedure to follow after an unfair labor practice complaint has been issued has been made more specific.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/ recommendations.

The change is not the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 67, filed 4/27/78, effective 6/1/78)

WAC 251-14-080 UNFAIR LABOR PRACTICES-POWERS OF BOARD-PROCEDURE. (1) The board, or its designee, whose final decision is appealable to the board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Unfair labor practice charges shall be filed on a form provided by the director or designee, and shall be filed in the office of the director within sixty calendar days after the parties become aware of the alleged unfair labor practice(s). The form shall be signed by the charging party or an authorized representative and shall contain the following:

(a) The name and address of the institution.

(b) The name and address of the party or organization filing the charge.

(c) ((A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates, places and the unfair labor practice section relied upon in support of the charge:

- (3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules
- (4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.
- (5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.
- (6) The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor

practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order; and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.)) A clear and concise statement of the facts constituting the alleged unfair labor practice(s), including times, dates, places, and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending

the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

NEW SECTION

WAC 251-14-082 INVESTIGATION OF AND DISPOSITION OF UNFAIR LABOR PRACTICE CHARGES. (1) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules.

(2) If a charge does not contain all of the information required by WAC 251-14-080, the director or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.

(3) The director or designee shall mail, or otherwise cause to be served, the complaint to the charged party.

NEW SECTION

WAC 251-14-083 UNFAIR LABOR PRACTICE NOTICE AND COMPLAINT-PROCEDURE. (1) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint.

(2) In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

(3) The charging party shall prosecute the complaint and shall have the burden of proof.

NEW SECTION

WAC 251-14-084 HEARINGS AND INVESTIGATION-UNFAIR LABOR PRACTICE. For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its

designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

NEW SECTION

ENFORCEMENT—UNFAIR WAC 251-14-085 PRACTICE. The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.

WSR 85-18-073 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 251-14-080	Unfair labor practices—Powers of
		board—Procedure.
New	WAC 251-14-082	Investigation of and disposition of unfair
		labor practice charges.
New	WAC 251-14-083	Unfair labor practice notice and com-
		plaint-Procedure.
New	WAC 251-14-084	Answer to complaint—Unfair labor
		practice.
New	WAC 251-14-085	Amendment of complaint or answer—
		Unfair labor practice.
New	WAC 251-14-086	Hearings and investigation-Unfair la-
		bor practice.
New	WAC 251-14-087	Enforcement—Unfair labor practice;
		•

that the agency will at 9:00 a.m., Friday, October 18, 1985, in the Board Room, Western Washington University, Bellingham, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1985.

Dated: September 4, 1985 By: John A. Spitz Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on September 4, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-14-080 Unfair labor practices—Powers of board—Procedure.

Statutory Authority: RCW 28B.16.230 and 41.56.140 through 41.56.190.

Purpose of Existing Rule: Explain the powers of the board as they relate to unfair labor practices and the procedures for filing, investigation, and hearing of same.

Summary of Proposed Changes: Present WAC 251-14-080 is broken into five new sections which are renumbered and the language is revised to clarify what information is required in making an unfair labor practice charge. The period for filing unfair labor practice charges is extended to six months; 251-14-082 limits the investigation of an unfair labor practice charge to a determination by the HEPB staff that a prima facie unfair labor practice has been alleged. If so, the written charge will be issued as the complaint. If the charges are not sufficient, an order of dismissal will be issued along with the reasons therefore; 251-14-083 explains the procedures for issuing a notice of hearing, provides for the intervention of interested parties, places the burden of proof and of prosecuting the complaint on the charging party and provides that the issues at hearing will be limited to those raised by the complaint and answer; 251-14-084 provides for the filing of an answer to the complaint by the charged party which specifically admits or denies the facts alleged in the complaint and binds the charged party to its answer; 251-14-085 provides for amendment of an unfair labor practice or answer; 251-14-086 is identical to the language of present WAC 251-14-080(5); and 251-14-087 is identical to the language of present WAC 251-14-080(6).

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Mark Lyon, General Counsel, Washington Public Employees Association.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 67, filed 4/27/78, effective 6/1/78)

WAC 251-14-080 UNFAIR LABOR PRACTICES—POWERS OF BOARD—PROCEDURE. (1) The board, or its designee, whose final decision is appealable to the board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Unfair labor practice charges shall be filed on a form provided by the director or designee, and shall be filed in the office of the director within ((sixty calendar days after the parties become aware of the alleged unfair labor practice(s))) six months of: (a) The occurrence of the illegal action, or (b) the date on which the changing party could reasonably be expected to have knowledge of the actions giving rise to the unfair labor practice charge. The form shall be signed by the charging party or an authorized representative and shall contain the following:

- (((a))) (i) The name and address of the institution.
- (((tb))) (ii) The name and address of the party or organization filing the charge.
- (((c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates, places and the unfair labor practice section relied upon in support of the charge.
- (3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules.
- (4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity:
- (5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, in cluding payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.)) (iii) A clear and concise statement of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.
- (iv) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.
 - (v) A statement of the relief sought by the charging party.
- (vi) The signature and, if any, the title of the person filing the charge.
- (((6))) (3) The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.

NEW SECTION

WAC 251-14-082 INVESTIGATION OF AND DISPOSITION OF UNFAIR LABOR PRACTICE CHARGES. (1) Upon receipt of

- a properly completed unfair labor practice charge, the director or designee shall determine whether the facts as alleged constitute an unfair labor practice within the meaning of the higher education personnel board rules and applicable statutes. If it is found that the charge(s), as a matter of law based on the facts as alleged, is not frivolous or without substantial merit, the executive director shall cause the contents of the charge to be issued and served as a complaint of unfair labor practices and shall assign the matter for hearing and notify the parties of such assignment. If it is found that the charge(s) is frivolous or substantially without merit, the director shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor. Dismissal of the charge is appealable to the higher education personnel board.
- (2) If a charge does not contain all of the information required by WAC 251-14-080, the director or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.
- (3) The executive director or designee shall mail, or otherwise cause to be served, the complaint to the charged party.

NEW SECTION

WAC 251-14-083 UNFAIR LABOR PRACTICE NOTICE AND COMPLAINT—PROCEDURE. (1) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges as provided in these rules, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the executive discomplaint. Any such complaint may be amended by the executive director, or upon the motion of the complainant as provided in WAC 251-14-085, any time prior to the issuance of an order based thereon. The person complained of shall have the right to file an answer as provided in WAC 251-14-084 and to appear in person or otherwise to give testimony at the place and time set in the notice.

- (2) In the discretion of the higher education personnel board or its designee, any other person may be allowed to intervene in the proceeding and to present testimony.
- (3) The charging party shall prosecute the complaint and shall have the burden of proof.
- (4) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.
- (5) The technical rules of evidence prevailing in the courts need not be applied by the higher education personnel board except for the rules of privilege.

NEW SECTION

WAC 251-14-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall have the right to file its answer to the unfair labor practice complaint or any amended complaints with the higher education personnel board within five days of service of the complaint, or amended complaint, exclusive of Saturdays, Sundays, and holidays. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the higher education personnel board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the higher education personnel board.

- (2) The answers shall specifically admit, deny, or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.
- (3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to facts so admitted.

NEW SECTION

WAC 251-14-085 AMENDMENT OF COMPLAINT OR AN-SWER-UNFAIR LABOR PRACTICE. The higher education personnel board may allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the higher education personnel board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted.

NEW SECTION

WAC 251-14-086 HEARINGS AND INVESTIGATION—UNFAIR LABOR PRACTICE. For the purposes of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by the higher education personnel law or rules, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy, or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoena requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence. (Formerly WAC 251-14-080(5))

NEW SECTION

WAC 251-14-087 ENFORCEMENT—UNFAIR LABOR PRACTICE. The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee. (Formerly WAC 251-14-080(6)

WSR 85-18-074 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 251-14-080 Unfair labor practices—Powers of board—Procedures.

Amd WAC 251-14-090 Unfair labor practice-Hearings;

that the agency will at 9:00 a.m., Friday, October 18, 1985, in the Board Room, Western Washington University, Bellingham, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1985.

Dated: September 4, 1985 By: John A. Spitz

Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on September 4, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-14-080 Unfair labor practices—Powers of board—Procedures; and 251-14-090 Unfair labor practice—Hearings.

Statutory Authority: RCW 28B.16.230 and 41.56.140 through 41.56.190.

Purpose of Existing Rules: Explain the powers of the board as they relate to unfair labor practices and the procedures for filing, investigation, and hearing of same.

Summary of Proposed Changes: WAC 251–14–080(2) clarifies that the charging party must provide the party charged with a copy of the charge that goes to the Higher Education Personnel Board and further clarifies what information must be in such a charge; (3) provides for a hearing examiner to conduct an investigation of unfair labor charge and further specifies the procedure for such an investigation and the information to be considered in the examiner's decision; (4) specifies what information will be included in a complaint. WAC 251–14–090 clarifies that the Higher Education Personnel Board may conduct hearings in a variety of fashions.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Ritanette Cooper, The Evergreen State College, on behalf of the Institutional Personnel Officers Committee.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 67, filed 4/27/78, effective 6/1/78)

WAC 251-14-080 UNFAIR LABOR PRACTICES—POWERS OF BOARD—PROCEDURE. (1) The board, or its designee, whose final decision is appealable to the board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

- (2) Unfair labor practice charges shall be filed on a form provided by the director or designee, and shall be filed in the office of the director (and simultaneously in the offices of the charged party) within sixty calendar days after the parties become aware of the alleged unfair labor practice(s). The form shall be signed by the charging party or an authorized representative and shall contain the following:
 - (a) The name and address of the institution.
- (b) The name and address of the party or organization filing the charge.

(c) ((A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates, places and the unfair labor practice section relied upon in support of the charge.)) A clear and concise statement of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending

the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge

(3) Upon receipt of an unfair labor practice charge, ((the board or its designee shall conduct an investigation to)) a hearing examiner or the director shall determine whether or not the charges are frivolous or substantially without merit. The investigation shall include a predetermination meeting with all parties given an opportunity to attend. All information provided to the hearing examiner shall be provided to the parties involved at the time of submission to the examiner. The hearing examiner shall base a decision only on information provided to the parties and to which the parties have been given an opportunity to respond. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued which clearly sets out the charges on which the complaint is issued and a board hearing scheduled as provided by these rules. The hearing shall be limited to a review of the findings and conclusions of law of the hearing examiner.

(4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges ((in that respect)) as provided in these rules, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

(a) The charging party shall prosecute the complaint and shall have

the burden of proof.

(b) The hearing shall be limited to the issues and questions of fact

raised by the complaint and answer of the parties.

- (5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.
- (6) The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order. and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have

power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.

AMENDATORY SECTION (Amending Order 85, filed 10/8/80)

WAC 251-14-090 UNFAIR LABOR PRACTICE-HEAR-INGS. Complaints charging unfair labor practices shall be filed in writing with the board in accordance with WAC 251-14-080(3). The board shall hold a hearing in the same manner as provided for appeals from demotions, suspensions, reductions, layoffs, and dismissals, and any decision of the board shall be binding unless reversed or modified by a court of law.

WSR 85-18-075 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

WAC 251-18-010 Examination-Requirement-Respons-Amd ibilities.

WAC 251-18-035 Recruitment notices-Required content.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 8, 1985.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 8, 1985.

> Dated: September 4, 1985 By: John A. Spitz Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on September 4, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-18-010 Examination-Requirement—Responsibilities.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rule: Establishes the requirement for examinations for appointments to positions in the classified service, the requirement for documented job analysis to justify examination content and the responsibilities of the director and personnel officers for examination development and use.

Summary of Proposed Change: Corrects the implementation date for job analysis documentation to January 1, 1986, as adopted by the board on July 19, 1985.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff. The proposed modification results from a review of chapter 251-18 WAC conducted by a system examination team composed of HEPB staff members, higher education institution representatives, and employee organization representatives.

additional The makes agency comments/recommendations.

The change is not the result of federal law or federal or state court action.

Rule Affected: WAC 251-18-035 Recruitment notices—Required content.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rule: Specifies requirements for the content of recruitment notices.

Summary of Proposed Change: Corrects the language in subsection (1) to that adopted by the board on July 19, 1985.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff. The proposed modification results from a review of chapter 251-18 WAC conducted by a system examination team composed of HEPB staff members, higher education institution representatives, and employee organization representatives.

additional agency makes comments/recommendations.

The change is not the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

EXAMINATION-REQUIREMENT-WAC 251-18-010 RESPONSIBILITIES. (I) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination.

(2) All job elements included in examinations developed or modified subsequent to ((September 1, 1985)) January 1, 1986, shall be justified by documented job analysis.

(3) Personnel officers shall assist in conducting and/or conduct job analyses at their institutions.

(4) Job analysis methods shall meet professional standards and be approved by the director before they are used to develop examinations.

- (5) System examinations shall be developed by the director with the assistance of the personnel officers and made available for the use of all institutions. The director shall periodically distribute an approved system job element examination list showing all current system examinations.
- (6) Personnel officers shall use only the current versions of the examinations shown on the approved system job element examination list unless approval has been given by the director for examination modifications or the use of institutional examinations.
- (7) Personnel officers may develop modifications to system examinations and/or institutional examinations to meet requirements which are unique to their institutions.
- (8) Institutional examinations and modifications to system examinations shall be:
 - (a) Approved by the director before they are used;
- (b) Used by institutions other than the developing institution only with the approval of the director.
- (9) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-18-035 RECRUITMENT NOTICES-REQUIRED CONTENT. Official institutional recruitment notices (not to include media or other supplemental publicity) shall contain the following information:

- (1) For promotional examinations, a statement that the examination is open only to ((unit organization)) organizational unit and/or institution-wide promotional applicants.
 - (2) The title of the HEPB classification for which the list is open.
 - (3) The salary range for the class.
 - (4) Any conditions of employment for the class or position(s).
- (5) The closing date of the recruitment notice, i.e., the specific date and time by which applications must be received by the personnel
- (6) When the recruitment notice is to be widely distributed, a statement of the specific locations at which corrected or extended recruitment notices will be displayed.
- (7) A brief description of the duties of the class and, if applicable, the duties of the specific position(s).
 - (8) The minimum qualifications of the classification, if any.
- (9) When applicable, a statement regarding the use of a combined list per WAC 251-18-180(10).
- (10) When applicable, a statement that certification for corrective employment per WAC 251-18-250 may be utilized.
- (11) When applicable, a statement that certification for specific po-
- sition requirements per WAC 251-18-255 may be utilized.
 (12) When applicable per WAC 251-18-060(3), the minimum number of most highly qualified applicants who will be admitted to each phase of the examination other than the screening or other initial phase, provided that at least this number of applicants pass the initial phase(s) of the examination.
- (13) For classes in the approved noncompetitive service of the institution:
- (a) That applicants will be placed on the list(s) in the order in which they complete making proper application for the class.
- (b) The number of applicants who will be placed on the eligible list(s).

WSR 85-18-076 **EMERGENCY RULES** EMPLOYMENT SECURITY DEPARTMENT

[Order 3-85-Filed September 4, 1985]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

WAC 192-12-018 Definitions relating to musicians-Con-New ditions for exemption of musicians and entertainers under chapter 50.04 RCW.

WAC 192-12-019 Employer request for benefit charge New relief.

WAC 192-09-060 Appeals—Right to notice of. Amd

I, Ernest F. LaPalm, deputy commissioner, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these regulations are to implement RCW 50.29.020 with respect to notices of initial determination mailed July 1, 1985, or later and chapter 47, Laws of 1985, effective July 1, 1985. In view of the fact that these laws are already in effect it is necessary that these regulations be enacted on an emergency basis.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 50.04 RCW and RCW 50.29.020 and is intended to administratively implement that statute.

This rule is promulgated under the general rule—making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED September 4, 1985.

By Ernest F. LaPalm Deputy Commissioner

AMENDATORY SECTION (Amending Order 1-85, filed April 2, 1985 [5/15/85])

WAC 192-09-060 APPEALS—RIGHT TO NOTICE OF. Notice of appeal rights shall be set forth on the face of, or as an attachment to, each of the following:

- (1) Redetermination of an initial determination.
- (2) Determination of allowance or denial of waiting period credit or benefits.
- (3) Redetermination of allowance or denial of waiting period credit or benefits.
- (4) Notice of assessment of contributions, interest, or penalties.
- (5) Denial of a claim for refund of contributions, interest, or penalties.
- (6) Denial of a redetermination of benefit charges made to an employer's account.
- (7) Denial of a redetermination or adjustment of an employer's determined or redetermined rate of contribution.
 - (8) Denial of a request for relief of benefit charges.
 - (9) Denial of approval or extension of standby status.
- ((9)) (10) Decisions and orders issued by the office of administrative hearings other than an order approving a withdrawal of appeal.
 - ((10)) (11) Decisions of commissioner.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-12-018 DEFINITIONS RELATING TO MUSICIANS—CONDITIONS FOR EXEMPTION OF MUSICIANS AND ENTERTAINERS UNDER RCW 50.04 RCW. (1) A purchaser of musical or entertainment services will not be deemed the employer of the musician or entertainer if the following conditions are met:

(a) There is a written contract for a specific engagement or engagements; and

- (b) Such contract designates the leader of the music or entertainment group, or such contract is with a sole entertainer, and
- (c) The ;musician or entertainer performs no other duties for the purchaser other than those musical or entertainment services specifically contracted for, and
- (d) The musician or entertainer must not be regularly and continuously employed by the purchaser.

Additionally, the purchaser will not incur secondary tax liability under RCW 50.24.130 if, at the time of performance of the services, the business, group, or individual providing the services is registered as an employer with the department.

- (2) The music or entertainment business or the leader of a music or entertainment group, may be deemed the employer for unemployment insurance tax purposes when the conditions in subsection (1) are met. In such instances, the business or the leader must register with the department for the purpose of determining reporting requirements.
 - (3) Definitions as used in this section:
- (a) A "music or entertainment business" is an organization whose principal business activity is music or entertainment but does not include an organization which provides music or entertainment which is only incidental to its principal business activity.
- (b) A "music or entertainment group" is an association whose principal business activity is music or entertainment. The leader of the group is deemed to be the employer, while all other musicians and entertainers who perform as members of the group are deemed to be employees of that leader.
- (c) A "music or entertainment group leader" is an individual whose group's principal business activity is music or entertainment.
- "Individuals employing musicians or entertainers on a casual basis" are not considered to be a music or entertainment business, nor are they considered to be a music or entertainment leader.
 - (d) "Regularly and continuously employed" means:
- (i) Working for someone for a period of time where one could objectively be deemed to be an employee (and not an independent venturer); or
- (ii) Having a single contract to provide services over a period greater than six months; or
- (iii) Having multiple contracts with a purchaser, which cover a period greater than ten months in any calendar year.
- (e) "Performs no other duties for the purchaser" means that a musician or entertainer provides no other duties under the contract outside of those in music or entertainment for which hired.
 - (f) "Employing on a casual basis" means:
- (i) Hiring performers on an occasional, random basis to perform services that are unrelated to the individual's principal business activity, or
- (ii) The services are not for the promotion of a business venture which is the individual's principal business activity.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-12-019 EMPLOYER REQUEST FOR BENEFIT CHARGE RELIEF. RCW 50.29.020(2) provides, in part, that an employer can request relief of benefit charges which result from payment to an individual who last left employment voluntarily (for reason not attributable to the employer) or was discharged for misconduct connected with the work. The employer request must be received within 30 days of the mailing of the notification of the claimant filing an initial claim.

The commissioner accordingly prescribes:

- (1) Reasons not attributable to the employer for voluntarily leaving work shall be personal reasons, not work connected. These reasons may include, but are not limited to:
 - (a) Employee illness or disability,
- (b) Illness or death of member(s) of employee's immediate family.
- (c) Employee's leaving to accept work with another employer.
 - (d) Incarceration of employee,
- (e) Marital or domestic responsibilities of the employee,
 - (f) Employee's pursuit of additional education; or
- (g) Personal dissatisfaction with wages or hours known at time of hire.
- (2) Reasons considered to be attributable to the employer are those work related factors of such a compelling nature as to cause a reasonably prudent person to leave his or her employment. Such work related factors may include, but are not limited to:
- (a) Substantial involuntary deterioration of the work factors;
 - (b) Work location (distance and difficulty of travel);
 - (c) Safety of work site, equipment/machine safety;
- (d) Employee skills no longer required for job performance, or
- (e) Such other work related factors as the commissioner may deem pertinent.
- (3) The employer requests for benefit charging relief must be in writing and must be received or postmarked within 30 days of mailing of the notification of the initial determination, except for good cause shown. Benefit charging relief is only available with respect to notices of initial determination mailed July 1, 1985, or later.

Any employer added to a monetary determination as a result of a redetermination of an initial claijm, filed on July 1, 1985, or later, will be eligible for consideration of noncharging relief.

Any employer added to a monetary determination as the result of a redetermination of an initial claim filed prior to July 1, 1985, will be eligible for consideration of relief of noncharging if the notification of the initial determination was mailed July 1, 1985, or later.

(4) Timeliness. If, upon receipt of the employer's written request, the department requires additional information, the employer shall provide the requested information within 10 working days from the date of mailing of the request by the department. Failure to respond within 10 working days will result in a denial of

benefit charging relief for the employer unless good cause for the untimely response is shown.

- (5) Burden of Proof. It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to allow a determination of noncharging relief or good cause for failure to respond in a timely manner.
- (6) Any denial of a request for noncharging relief shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 85-18-077 PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning:

New WAC 192-12-018 Definitions relating to musicians—Conditions for exemption of musicians and entertainers under chapter 50.04 RCW.

New WAC 192-12-019 Employer request for benefit charge relief.

Amd WAC 192-09-060 Appeals-Right to notice of;

that the agency will at 9:00 a.m., Tuesday, October 8, 1985, in the Commissioner's Conference Room, 212 Maple Park, 2nd Floor, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, October 8, 1985, at 2:00 p.m.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

The specific statute these rules are intended to implement is chapter 50.04 RCW and RCW 50.29.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 2, 1985.

Dated: September 4, 1985

By: Ernest F. LaPalm

Deputy Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

WAC 192-12-018 Definitions relating to musicians conditions for exemption of musicians and entertainers under chapter 50.04 RCW.

The rules and definitions in WAC 192-12-018 are necessary to interpret the law consistently with legislative intent and to provide guidelines for agency staff who are required to make determinations as to tax liability based on the laws. The rules are intended to provide a

public statement of departmental policy related to purchasers of musical or entertainment services and the possible shifting of unemployment insurance tax liability from such purchasers to the respective group leaders or businesses.

Justification: The statute which is interpreted by these rules had an effective date of July 1, 1985. The rules are necessary to ensure consistent application of legislative policy and intent. The statute as worded has many unexplained or ambiguous words and statements requiring a clear agency interpretation for enforcement and interpretation purposes by agency staff and the public.

Amendment of WAC 192-09-060 Appeals—Right to notice of; and new section WAC 192-12-019 Employer request for benefit charge relief.

This new regulation and amendment were drafted to interpret and apply RCW 50.29.020 as last amended by section 1, chapter 42, Laws of 1985, providing for benefit charging relief in certain cases where a previous employee voluntarily quit work or was discharged for misconduct.

Justification: The rules are necessary to provide for clear and uniform interpretation of the statute, specifically defining terms and providing procedural guidelines. The effective date of the statute is July 1, 1985. The rules also provide for a clear definition of the application of the effective date.

WAC 192-12-018 was drafted by Thomas D. LePique, Unemployment Insurance Specialist 3, and Donald K. Westfall III, Administrative Trainee 3, of the Unemployment Insurance Program, Unemployment Insurance Tax Administration Unit of the Employment Security Department. Their office is located in the Employment Security Department Building, 212 Maple Park, Olympia, Washington 98504, phone 753-1314.

WAC 192-09-060 and 192-12-019 were drafted by Marilyn Dahl, Supervisor, Experience Rating/Benefit Charging Unit, Employment Security Department. Her office is located in the Employment Security Building, 212 Maple Park, Olympia, Washington 98504, phone 753-4796.

Gary Christenson, Assistant Commissioner (UI) is responsible for the implementation and enforcement of these rules. His office is located in the Employment Security Department Building, 212 Maple Park, Olympia, Washington 98504, phone 753-5120.

AMENDATORY SECTION (Amending Order I-85, filed April 2, 1985 [5/15/85])

WAC 192-09-060 APPEALS—RIGHT TO NOTICE OF. Notice of appeal rights shall be set forth on the face of, or as an attachment to, each of the following:

(1) Redetermination of an initial determination.

- (2) Determination of allowance or denial of waiting period credit or benefits.
- (3) Redetermination of allowance or denial of waiting period credit or benefits.
 - (4) Notice of assessment of contributions, interest, or penalties.
- (5) Denial of a claim for refund of contributions, interest, or penalties.
- (6) Denial of a redetermination of benefit charges made to an employer's account.
- (7) Denial of a redetermination or adjustment of an employer's determined or redetermined rate of contribution.
 - (8) Denial of a request for relief of benefit charges.

- (9) Denial of approval or extension of standby status.
- ((9)) (10) Decisions and orders issued by the office of administrative hearings other than an order approving a withdrawal of appeal.
 - ((10)) (11) Decisions of commissioner.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-12-018 DEFINITIONS RELATING TO MUSICIANS—CONDITIONS FOR EXEMPTION OF MUSICIANS AND ENTERTAINERS UNDER RCW 50.04 RCW. (1) A purchaser of musical or entertainment services will not be deemed the employer of the musician or entertainer if the following conditions are met:

- (a) There is a written contract for a specific engagement or engagements; and
- (b) Such contract designates the leader of the music or entertainment group, or such contract is with a sole entertainer; and
- (c) The ;musician or entertainer performs no other duties for the purchaser other than those musical or entertainment services specifically contracted for; and
- (d) The musician or entertainer must not be regularly and continuously employed by the purchaser.

Additionally, the purchaser will not incur secondary tax liability under RCW 50.24.130 if, at the time of performance of the services, the business, group, or individual providing the services is registered as an employer with the department.

- (2) The music or entertainment business or the leader of a music or entertainment group, may be deemed the employer for unemployment insurance tax purposes when the conditions in subsection (1) are met. In such instances, the business or the leader must register with the department for the purpose of determining reporting requirements.
 - (3) Definitions as used in this section:
- (a) A "music or entertainment business" is an organization whose principal business activity is music or entertainment but does not include an organization which provides music or entertainment which is only incidental to its principal business activity.
- (b) A "music or entertainment group" is an association whose principal business activity is music or entertainment. The leader of the group is deemed to be the employer, while all other musicians and entertainers who perform as members of the group are deemed to be employees of that leader.
- (c) A "music or entertainment group leader" is an individual whose group's principal business activity is music or entertainment.
- "Individuals employing musicians or entertainers on a casual basis" are not considered to be a music or entertainment business, nor are they considered to be a music or entertainment leader.
 - (d) "Regularly and continuously employed" means:
- (i) Working for someone for a period of time where one could objectively be deemed to be an employee (and not an independent venturer); or
- (ii) Having a single contract to provide services over a period greater than six months; or
- (iii) Having multiple contracts with a purchaser, which cover a period greater than ten months in any calendar year.
- (e) "Performs no other duties for the purchaser" means that a musician or entertainer provides no other duties under the contract outside of those in music or entertainment for which hired.
 - (f) "Employing on a casual basis" means:
- (i) Hiring performers on an occasional, random basis to perform services that are unrelated to the individual's principal business activity; or
- (ii) The services are not for the promotion of a business venture which is the individual's principal business activity.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-12-019 EMPLOYER REQUEST FOR BENEFIT CHARGE RELIEF. RCW 50.29.020(2) provides, in part, that an

employer can request relief of benefit charges which result from payment to an individual who last left employment voluntarily (for reason not attributable to the employer) or was discharged for misconduct connected with the work. The employer request must be received within 30 days of the mailing of the notification of the claimant filing an initial claim.

The commissioner accordingly prescribes:

- (1) Reasons not attributable to the employer for voluntarily leaving work shall be personal reasons, not work connected. These reasons may include, but are not limited to:
 - (a) Employee illness or disability;
 - (b) Illness or death of member(s) of employee's immediate family;
 - (c) Employee's leaving to accept work with another employer;
 - (d) Incarceration of employee;
 - (e) Marital or domestic responsibilities of the employee;
 - (f) Employee's pursuit of additional education; or
- (g) Personal dissatisfaction with wages or hours known at time of hire.

(2) Reasons considered to be attributable to the employer are those work related factors of such a compelling nature as to cause a reasonably prudent person to leave his or her employment. Such work related factors may include, but are not limited to:

- (a) Substantial involuntary deterioration of the work factors;
- (b) Work location (distance and difficulty of travel);
- (c) Safety of work site, equipment/machine safety;
- (d) Employee skills no longer required for job performance; or
- (e) Such other work related factors as the commissioner may deem
- (3) The employer requests for benefit charging relief must be in writing and must be received or postmarked within 30 days of mailing of the notification of the initial determination, except for good cause shown. Benefit charging relief is only available with respect to notices of initial determination mailed July 1, 1985, or later.

Any employer added to a monetary determination as a result of a redetermination of an initial claijm, filed on July 1, 1985, or later, will be eligible for consideration of noncharging relief.

Any employer added to a monetary determination as the result of a redetermination of an initial claim filed prior to July 1, 1985, will be eligible for consideration of relief of noncharging if the notification of the initial determination was mailed July 1, 1985, or later.

- (4) Timeliness. If, upon receipt of the employer's written request, the department requires additional information, the employer shall provide the requested information within 10 working days from the date of mailing of the request by the department. Failure to respond within 10 working days will result in a denial of benefit charging relief for the employer unless good cause for the untimely response is shown.
- (5) Burden of Proof. It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to allow a determination of noncharging relief or good cause for failure to respond in a timely manner.
- (6) Any denial of a request for noncharging relief shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 85-18-078 PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning:

New	WAC 192-28-100	Recovery of benefit overpayment-
		General provisions.
New	WAC 192-28-105	Recovery of benefit overpayment—No-
		tification to individual.
New	WAC 192-28-110	Recovery of benefit overpayment—Fault
		provisions.

New	WAC 192-28-115	Recovery of benefit overpayment—Equity and good conscience provisions.
New	WAC 192-28-120	Recovery of benefit overpayment—By repayment or by offset against future benefits.
New	WAC 192-28-125	Recovery of benefit overpayment—No- tification of right to appeal;

that the agency will at 10:00 a.m., Tuesday, October 8, 1985, in the Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, October 8, 1985, at 2:00 p.m.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

The specific statute these rules are intended to implement is RCW 50.20.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 2, 1985.

Dated: September 4, 1985
By: Ernest F. LaPalm
Deputy Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

WAC 192-28-100 through 192-28-125, Recovery of benefit overpayments.

These regulations have been drafted to clearly state the intent of the department as it relates to the recovery of benefit overpayments. WAC 192-28-100 defines the general provisions of the recovery of benefit overpayments; 192-28-105 defines the notification and time limits that the department will give to individuals prior to the establishment of an overpayment assessment; 192-28-110 describes the conditions under which the department will find an individual to be at fault in a benefit overpayment. The department's finding of fault or nonfault will be based on information provided by the individual and/or the employer and from information in department records; 192-28-115 describes the conditions under which the department will waive the repayment of a benefit overpayment and the individual's responsibility to provide the requested information regarding such waiver. Failure on the part of the individual to provide the requested information will result in a denial of waiver. All information provided by the individual is subject to verification by the department. This section also describes the offer in compromise process which may be requested by an individual who was initially denied waiver but whose financial circumstances have changed; or by an individual who is at fault, but for whom it would be against equity and good conscience to require repayment of the full amount of the overpayment. Offers in compromise will not be entertained from an individual whose overpayment was brought about by a final denial pursuant to RCW 50.20.060(2) or 50.20-.070; 192-28-120 describes the amount of each future week(s) payable that will be offset in repayment of a benefit overpayment; and 192–28–125 describes the right to appeal a benefit overpayment by the individual and interested employers. In any overpayment where the individual is held to be not at fault and waiver is considered, any employer who provides information that results in an overpayment assessment and all base year employers will be notified of the overpayment assessment and their right to appeal.

WAC 192-28-100 through 192-28-125 relate to RCW 50.20.190. It is anticipated that any future regulations relating to benefit overpayment recovery will be placed in this chapter.

WAC 192-28-100 through 192-28-125 were drafted by Mary Pat Frederick, Benefit Payment Control Branch, Employment Security Department. Her office is located in the Employment Security Department Building, 212 Maple Park, Olympia, Washington 98504, phone 753-5138.

Gary Christenson, Assistant Commissioner (UI) and Dorette M. Markham, Chief, Benefit Payment Control Branch (UI), are responsible for the implementation and enforcement of these rules. Their office is located in the Employment Security Department Building, 212 Maple Park, Olympia, Washington 98504, phone 753–5120 and 753–5206.

CHAPTER 192-28 RECOVERY OF BENEFIT OVERPAYMENTS

WAC	
192-28-100	RECOVERY OF BENEFIT OVERPAYMENT— GENERAL PROVISIONS
192-28-105	RECOVERY OF BENEFIT OVERPAYMENT— NOTIFICATION TO INDIVIDUAL
192-28-110	RECOVERY OF BENEFIT OVERPAYMENT— FAULT PROVISIONS
192-28-115	RECOVERY OF BENEFIT OVERPAYMENT— EQUITY AND GOOD CONSCIENCE
	PROVISIONS
192-28-120	RECOVERY OF BENEFIT OVERPAYMENT—
	BY REPAYMENT OR BY OFFSET AGAINST
	FUTURE BENEFITS
192-28-125	RECOVERY OF BENEFIT OVERPAYMENT—
	NOTIFICATION OF RIGHT TO APPEAL

NEW SECTION

WAC 192-28-100 RECOVERY OF BENEFIT OVERPAY-MENT—GENERAL PROVISIONS. The purpose of this chapter is to interpret and implement the provisions of RCW 50.20.190 concerning the recovery of benefit overpayments. RCW 50.20.190 provides: "An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: . . .

The commissioner may waive an overpayment if he finds that said overpayment was not the result of fraud, misrepresentation, wilful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: . . ."

NEW SECTION

WAC 192-28-105 RECOVERY OF BENEFIT OVERPAY-MENT—NOTIFICATION TO INDIVIDUAL. (1) When the department has information which causes it to believe that an individual has been paid more benefits than he or she is entitled to receive, it will provide that individual with a written notice that a potential overpayment exists. This notice shall contain the following:

- (a) The reasons for the department's belief that the individual has been overpaid benefits.
 - (b) The amount of the overpayment.
- (c) The fact that the department will collect overpayments in accordance with WAC 192-28-120.
- (d) The fact that final overpayment assessments constitute legally enforceable debts which individuals are liable to repay whether or not they are claiming or receiving unemployment benefits. These debts can be used to obtain warrants which could result in liens, garnishment of salaries, and possible sale of real and personal properties.
- (e) An explanation that if an individual is found to be not at fault, he or she has the right to request a waiver of the overpayment and that waiver means the individual would not have to repay the overpayment because it would be against the principles of equity and good conscience.
- (f) A statement that an individual has 10 days to submit information to the local Job Service Center regarding or disputing the existence of an overpayment and whether or not he or she was at fault. Failure to do so will result in the department making a decision, based on available information, regarding the existence of the overpayment and the individual's eligibility for waiver.

NEW SECTION

WAC 192-28-110 RECOVERY OF BENEFIT OVERPAY-MENT—FAULT PROVISIONS. (1) In each instance where an overpayment occurs, the department will make a finding of fault or nonfault based on information provided by the individual and/or by the employer and from information contained in its records. After reviewing all such information, the individual will be considered to be at fault when the overpayment is:

- (a) The result of fraud, misrepresentation, wilful nondisclosure; or
- (b) The result of a disqualification for a felony or gross misdemeanor pursuant to the provisions of RCW 50.20.060(2), or if all of the following three elements are established:
- (i) The individual was paid benefits in an amount greater than he or she was entitled to receive and he or she accepted and retained those benefits; and
- (ii) The payment of these benefits was based on incorrect information or a failure to furnish information which the individual should have provided as outlined in the EMS 8139 Information for Claimant Booklet, The Presentation of Benefit Rights, claimant directives and other reasonable written communications issued by the department; or information which the individual caused another to fail to disclose; and
- (iii) The individual had sufficient notice that the information should have been reported.
- (2) In accordance with WAC 192-23-900, a individual who is overpaid as the result of a conditional payment is liable for repayment because he or she has submitted a claim form that did not contain the required information to establish eligibility. Therefore, the individual is not without fault and is not eligible for waiver of the overpayment.
- (3) The individual will be considered to be without fault in situations where he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision and the overpayment is:
- (a) The result of agency error or omission, employer error or omission; or
- (b) The result of the reversal of a lower level decision by the Office of Administrative Hearings, the commissioner or a court; or
- (c) Not a payment that the individual should have known was improper. Examples of nonfault situations where an individual would not reasonably have known that an overpayment of benefits had been made would include, but not be limited to, overpayments resulting from: back pay awards, receipt of retroactive pensions, claims filed improperly against the state of Washington instead of against another state, or the receipt of extended benefits when the individual was entitled to regular benefits in this or another state.
- (4) In determining whether or not an individual is at fault, the department shall also consider education, mental abilities, emotional state and other elements of the individual's personal situation which affect his or her knowledge and ability to comply with reporting all material information that is relevant to benefit eligibility. This includes information contained in the EMS 8139 Information for Claimant Booklet, The Presentation of Benefit Rights, claimant directives and other reasonable written communications issued by the department.

NEW SECTION

WAC 192-28-115 RECOVERY OF BENEFIT OVERPAY-MENT—EQUITY AND GOOD CONSCIENCE PROVISIONS. (1) The department will grant waiver of an overpayment when it is found that the individual was without fault in the overpayment and when it is determined that to require repayment would be against equity and good conscience. It will be against equity and good conscience to deny waiver in situations where repayment of the overpayment would deprive the individual of income required for ordinary and necessary living expenses.

- (2) The individual will be required to provide financial information for the determination of waiver of the overpayment. Failure on the part of the individual to provide such information within 10 days from the request date will result in a denial of waiver. All such information is subject to verification by the department and, upon request, will be provided to interested employers as defined in WAC 192-28-125. Any overpayment amount waived which is later determined to be based on fraud, malfeasance or misrepresentation shall be restored to the overpayment balance.
 - (3) The financial information requested shall include:
- (a) An account of the individual's income and to the extent available to the individual, other financially contributing members of the household's income, for the month preceding, the current month and the month following the date that the overpayment is assessed.
- (b) An account of the individual's current and readily available liquid assets. Liquid assets mean checking and savings account balances, stocks, bonds and cash on hand.
- (c) An account of the individual's expenses for the month preceding, the current month and the month following the date that the overpayment is assessed.
- (4) If average monthly expenses exceed average monthly income and there are no substantial liquid assets available, the overpayment will be waived. If average monthly income exceeds average monthly expenses and unemployment insurance is considered as projected income in this calculation, either in the current or the next month, then the department will recalculate average monthly income based on potential benefits that would be paid considering the 50% offset provisions contained in WAC 192-28-120. If based on this recalculation, average monthly expenses exceed average monthly income, the overpayment will be waived. When waiver would otherwise be denied, the department may grant waiver based on unusual individual circumstances as determined by the department.
- (5) In cases where an individual has been denied waiver but at a later date there is a change in his or her financial situation, the individual may request the consideration of an Offer in Compromise pursuant to the provisions of RCW 50.24.020. Individuals who are found to be at fault, with the exception of those denied pursuant to RCW 50.20.060(2) or RCW 50.20.070, may also request consideration of an Offer in Compromise, based on their financial situation. The allowance or denial of a request for consideration of an Offer in Compromise will be in accordance with the same criteria used by the department for allowance or denial of waiver of an overpayment. An Offer in Compromise will be granted in situations where recovery of the full amount of the benefit overpayment would deprive the individual of income required for ordinary and necessary living expenses and where such recovery would be against the principles of equity and good conscience. Any overpayment amount compromised which is later determined to have been based on fraud, malfeasance or misrepresentation shall be restored to the overpayment balance.

NEW SECTION

WAC 192-28-120 RECOVERY OF BENEFIT OVERPAY-MENT—BY REPAYMENT OR OFFSET AGAINST FUTURE BENEFITS. (1) An overpayment may be recovered either by offset or repayment by the individual. If not repaid by the individual, the amount assessed shall be deducted from benefits payable for any future week(s) claimed. If any recovery procedure is in conflict with federal regulations, the federal regulations shall apply.

(2) For overpayments assessed under RCW 50.20.070 for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will by 100% of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(3) For all other overpayments that are not waived, the amount to be deducted will be 50% of benefits payable for each future week(s) claimed.

- (4) For combined wage claims, the amount to be deducted for another state will be 100 percent of the benefits payable for each future week(s) claimed for fraud overpayments and 50 percent of the benefits payable for each future week(s) claimed for all other overpayments. The individual will be issued prior written notice that the overpayment will be offset.
- (5) A repayment contract will be suspended whenever an individual is in current claim status and the overpayment is being offset from future week(s) payable in accordance with (2), (3) or (4) above. When no longer in offset status, the provisions of the repayment contract will become enforceable.

NEW SECTION

WAC 192-28-125 RECOVERY OF BENEFIT OVERPAY-MENT—NOTIFICATION OF RIGHT TO APPEAL. (1) The department shall ensure that all interested employers and the individual to whom the overpayment is assessed are notified in writing of the overpayment assessment and their right to appeal any or all of the following elements of the overpayment assessment:

- (a) The reason for the overpayment;
- (b) The amount of the overpayment;
- (c) The finding of fault or nonfault;
- (d) The reason for waiver or denial of waiver of the overpayment.
- (2) For the purposes of this chapter, interested employer means any employer who provides information to the department which results in an overpayment assessment and in the case of an overpayment where waiver has been considered, whether allowed or denied, all base year employers on which the claim is based.
- (3) The department shall also ensure that those individuals who have been denied waiver, as well as those individuals who were found to be at fault and waiver was not considered, are notified in writing of their right to apply for consideration of an Offer in Compromise. Offers in Compromise will not be entertained from an individual whose overpayment was brought about by a final denial pursuant to RCW 50.20.060(2) or RCW 50.20.070. All base year employers on which a claim is based will be notified in writing of the acceptance of an Offer in Compromise.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 192-12-157 RECOVERY OF BENEFIT PAYMENTS.

WSR 85-18-079 PROPOSED RULES BOARD OF HEALTH

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning sanitary control of shellfish, amending chapter 248-58 WAC:

that the agency will at 9:30 a.m., Wednesday, October 9, 1985, in the North District Health Center, 10501 Meridian Avenue North, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 34.04.045.

The specific statute these rules are intended to implement is RCW 69.30.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1985, mailstop ET-23.

Dated: September 4, 1985 By: John A. Beare, MD Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: Amending chapter 248-58 WAC

Purpose of the Rule Change: To implement changes made in chapter 69.30 RCW during the last legislative session.

Reason(s) These Rules are Necessary: To prevent commercial harvest of shellfish in closed waters.

Statutory Authority: Chapter 69.30 RCW.

Summary of the Rule or Rule Change: Defines commercial quantities of shellfish; requires licensees to carry field identification cards; sets forth procedures for disposal of confiscated shellfish; and allows enforcement by fisheries patrol officers.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule or Rule Change: Jack Lilja, Shellfish Program Supervisor, Environmental Health Programs, mailstop LD-11, phone 753-5959.

Rules proposed by Shellfish Program, Division of Health, DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-005 DEFINITIONS. The following definitions shall apply in the interpretation and the implementation of these rules

- and regulations:
 (1) "Approved" means acceptable to the director based on ((his/her)) his or her determination as to conformance with appropriate standards and good public health practice.
 - (2) "Commercial quantity" means any quantity exceeding:
 - (a) Forty pounds of mussels;
 - (b) One hundred oysters;
 - (c) Fourteen horse clams;
 - (d) Six geoducks; or
- (e) Fifty pounds of hard or soft shell clams.
 (3) "Department" means the state department of social and health
- (4) "Director" means the director of the division of health ((services division)) of the department of social and health services, or ((his/her)) his or her authorized representative.
- (((3))) (5) "Easily cleanable" means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by approved cleaning methods.
- (((4))) (6) "Food contact surfaces" means those surfaces of equipment and utensils with which the shellfish meat normally comes in contact, and those surfaces that drain onto surfaces that may come into contact with said food being processed.
- (((5))) (7) "Person" means any individual, firm, corporation, partnership, company, association, or joint stock association, and the legal successor thereof.
- (((6))) (8) "Person in charge" means an individual ((who is)) responsible for the supervision of employees and the management of any shellfish operation as defined in subsection (((10))) (12) of this section.
- (((7))) (9) "Sanitized" means the treatment of clean surfaces of equipment and utensils by an approved process which is effective in
- destroying microorganisms, including pathogens.

 ((((8))) (10) "Shellfish" means all varieties of fresh or frozen ((edi- ble species of molluscan bivalves including, but not limited to,)) oysters, clams, or mussels, either shucked or in the shell, and all fresh or frozen edible products thereof ((intended for human consumption)).

(((9))) (11) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting in commercial quantities or for sale for human consumption.

(((10))) (12) "Shellfish operation" means any activity in the harvesting, transporting, processing, to include, but not limited to culling, shucking, packing, and repacking or shipping or reshipping of shellfish in commercial quantities or for sale for human consumption.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-010 GROWING AREAS. (1) All shellfish to be sold as defined in RCW 69.30.010(2)((7)) in the state of Washington shall be obtained from approved growing areas or from approved growing areas outside the state that have programs of control and standards equivalent to that of the state of Washington.

- (2) Approved shellfish growing areas shall be located in areas not adversely affected by human waste, industrial or natural toxins, recreational use, or other sources of pollutants which may have a detrimental influence on the water quality of the shellfish growing beds and subsequent hazards to the human consumers of shellfish.
- (3) No commercial quantities of shellfish or shellfish to be sold as defined in RCW 69.30.010(2), for human consumption, shall be harvested from growing areas which are not approved as provided herein: PROVIDED, That permission may be granted by the director for the removal of shellfish from nonapproved growing areas for relaying to approved growing areas under the following conditions:
- (a) Shellfish shall be relayed to a designated, approved growing area for a minimum of two weeks or for a longer time period as prescribed by the director.
- (b) Relaying and subsequent removal from the approved area for sale or shipment shall be under the supervision of the director.
- (c) Records shall be kept showing growing areas from which the shellfish were taken, where relayed, dates of relaying, and dates of harvesting.
- (4) All boats, oyster harvesters, and floats used for harvesting or transporting shellfish shall be so constructed, operated, and maintained as to prevent contamination or deterioration of the shellfish. Approved facilities shall be provided for the disposal of human waste.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-080 CERTIFICATE OF COMPLIANCE-CERTIFICATE OF APPROVAL—SUSPENSION FOR REVOCA-TION OF CERTIFICATE OF APPROVAL-LICENSURE-RE-VOCATION OF LICENSE. (1) Only shellfish bearing, upon the tag, bill of lading, label or container as required in WAC 248-58-070(2), a certificate of compliance with the sanitary requirements of this state, or a state, territory, province of, or country of origin whose requirements are equal or comparable to these regulations, may be sold or offered for sale for human consumption in the state of Washington.

- (2) No person shall possess a commercial quantity of shellfish or sell or offer to sell for human consumption shellfish in the state which have not been grown, harvested, shucked, packed, or shipped in accordance with the provisions of these regulations or chapter 69.30 RCW
- (3) Certificates of approval for shellfish growing areas and/or for shellfish operations, as hereinabove defined, shall be issued and administered as prescribed in chapter 69.30 RCW, and may be denied, suspended, or revoked for any failure or refusal to maintain the sanitary requirements or to comply with the provisions of these regulations or chapter 69.30 RCW.
- $((\frac{3}{3}))$ (4) No person shall operate a "shellfish operation," as defined hereinabove, without having first obtained a valid operating license issued by the director. Each license shall be issued only for the shellfish operation and person named in the application and no license shall be transferable or assignable except with the written approval of the director. An operating license will be issued to any person who shall evidence:
- (a) Possession of, or an approved application for, a valid certificate of approval as described hereinabove;
- (b) Continued compliance by the licensee, the licensee's employees, or those under the licensee's supervision, with the rules and regulations herein and with chapter 69.30 RCW which compliance, in part, shall include the licensee's processing and/or sale of shellfish which have been harvested only from growing areas certified by the director in the name of the licensee or the person from whom the licensee has obtained said shellfish.
- (((4))) (5) The department shall have cause to deny, revoke, or suspend the license required herein where any licensee has:

- (a) Had ((his/her)) his or her certificate of approval, as defined above, and as issued by the department, revoked, suspended, or denied, for any reason;
- (b) Failed or refused to comply with any of the rules and regulations of the state board of health or chapter 69.30 RCW;
- (c) Harvested shellfish from any growing area which does not have a valid certificate of approval issued in the name of said licensee or in the name of the person from whom the licensee has obtained said
- (d) Obtained or attempted to obtain an operating license, certificate of compliance, or certificate of approval by fraudulent means or misrepresentation.
- $((\frac{\hat{5}}{5}))$ (6) All licenses and certificates issued under the provisions of these regulations shall be posted in a conspicuous place on the licensed premises. The licensee, or at least one employee thereof, shall have a certificate of approval on his or her person while engaged in the harvesting of shellfish. Such certificates of approval shall be provided by the department. All licenses and certificates of approval shall expire on the thirtieth day of September each year.
- (7) Certificates of approval shall be displayed, upon request, to an authorized representative of the department, a fisheries patrol officer, or an ex officio patrol officer. Failure to do so subjects the grower to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-090 ADMINISTRATIVE PROVISIONS. (1) The person in charge of shellfish growing areas or processing plant operations shall ensure ((that)) operations are conducted in a manner ((which complies)) complying with the requirements of these regulations. The person in charge shall periodically inspect the shellfish operations to determine compliance with these regulations, and shall take measures to correct any deficiencies thereby revealed.

(2) The director shall have access to and be permitted to inspect any and all areas comprising the shellfish operation for the purpose of determining compliance with these regulations and chapter 69.30 RCW, or for the purpose of determining whether any person, shellfish, or condition in the shellfish operation constitutes a nuisance or a threat to

the public health.

(a) In the course of such inspection, the director may, among other things, examine or sample the shellfish in the shellfish operation as often as necessary to determine its safeness for human consumption, and ((he/she)) he or she may also examine any and all pertinent records pertaining to shellstock, shellfish, or operational supplies purchased, received, or used, and records pertaining to persons employed.

(b) If, after the inspection of a shellfish operation, the director finds ((that)) such operation fails to comply with the requirements of the law, rules and regulations, ((he/she)) he or she shall issue to the person in charge of the shellfish operation a written order ((which specifies)) specifying the manner in which the operation fails to comply with the law, rules and regulations and which sets out a specific and reasonable period of time for correction of the violations.

(c) In the event the person in charge of the shellfish operation fails to correct the violations as required by the order of the director, the director may revoke the certificate of compliance and/or license of such person and/or initiate such legal enforcement proceeding as

authorized by law

(d) During or after an investigation or inspection of a shellfish operation, the director may, if ((he/she)) he or she suspects ((that)) the shellfish are unsafe for human consumption, give to the owner or person in charge of the shellfish operation a written hold order prohibiting the disposition or sale of the shellfish pending the director's further investigation of the shellfish's safety ((but in no event for a greater period than fifteen days)). The person in charge shall thereafter cease from offering such shellfish for human consumption and shall store such shellfish in a suitable place as prescribed by the director until the hold order is lifted or modified by the director or by a court of competent jurisdiction. Shellfish placed under a hold order shall not be destroyed for at least two days and shall not be held longer than fifteen days; however, upon a finding that the shellfish are safe for human consumption, the director may release them immediately.

(e) If, during an inspection of a shellfish harvesting operation, the owner or person in charge of the operation fails to immediately display their certificate of approval upon request from an authorized representative of the department, a fisheries patrol officer, or an ex officio patrol officer, a written hold order may be issued prohibiting the disposition or sale of the shellfish or the shellfish may immediately be seized. If a hold order is issued, the person in charge shall thereafter cease from offering such shellfish for human consumption and shall store such shellfish in a suitable place as prescribed by the director until the hold order is lifted or modified by the director or by a court of competent jurisdiction. Shellfish placed under a hold order or seizure shall not be destroyed for at least two days and shall not be held longer than fifteen days; however, upon a finding the shellfish are safe for human consumption, even though the operation is not certified, the shellfish may be released immediately as determined by the director.

(f) If after investigation the director determines ((that)) the shellfish are unsafe for human consumption, ((he/she)) he or she shall give the owner or person in charge of the shellfish operation a written abatement order, which abatement order may require any or all of the fol-

lowing measures:

(i) A permanent prohibition against the sale or disposition of the shellfish for human consumption;

(ii) Immediate destruction of the shellfish in question by measures such as denaturing and placement in a sanitary landfill. Such destruction shall be accomplished by at least two employees of the department or authorized representatives.

(iii) At the discretion of the director, shellfish having been found to be unsafe for human consumption may be relayed to an approved

growing area for subsequent reharvest. (((f))) (g) When the director, after conducting an appropriate investigation, determines either that:

(i) A shellfish operation or employee is transmitting a disease; or

- (ii) ((That)) There is a substantial risk ((that)) a shellfish operation or employee may be transmitting a disease, ((he/she)) he or she may thereafter give to the owner or person in charge of the shellfish operation an abatement order, which order may require any or all of the following measures:
- (A) Immediate closure of the shellfish operation until, in the opinion of the director, no further danger of a disease outbreak exists;
- (B) Immediate exclusion of the employee from all shellfish operations or food service establishments;
- (C) Restriction of the employee's service to some area of the operation where there would be no danger of transmitting disease.
- (((g))) (h) As an alternative to the abatement order described in ((subparagraph (f))) subsection (2)(g) of this ((subsection)) section, the director may require any or all of the employees to submit to adequate medical and laboratory examinations, including examination of their bodily discharges.
- (((h))) (i) No person shall remove or alter a notice or tag constituting a hold order or abatement order placed on the shellfish by the director, and neither such shellfish nor its container shall be relabeled, repacked, reprocessed, altered, disposed of, destroyed, or released without permission of the director, except on order by a court of competent jurisdiction.
- (((i))) (j) In the event ((that)) the person in charge of the shellfish operation fails to comply with either the hold order or the abatement order described above, the director may revoke the certificate of compliance and/or license of such person and/or initiate such legal enforcement proceedings as are authorized by law; except that the director may undertake summary abatement of the shellfish, an article, or a condition which is so severely contaminated or contaminating that a delay in abatement until legal enforcement proceedings could be had would pose a grave threat to the public health.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-500 PENALTY CLAUSE. Any person found violating any of the provisions of these regulations or chapter 69.30 RCW (((chapter 144, Laws of 1955),)) shall be guilty of a gross misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one ((hundred)) thousand dollars, or imprisonment ((not to exceed ninety)) in the county jail of the county in which the offense was committed for not less than thirty days nor more than one year, or to both fine and imprisonment. ((Upon violation of any of the provisions of these regulations, written notification shall be sent by the director to the person found in violation. Each day's operation thereafter in violation shall constitute a separate offense, and shall be subject to the prescribed penalties.))

WSR 85-18-080 PROPOSED RULES BOARD OF HEALTH

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning sentinel birth defects, new WAC 248-164-001 through 248-164-060;

that the agency will at 9:30 a.m., Wednesday, October 9, 1985, in the North District Health Center, 10501 Meridian Avenue North, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 70.58.300 through 70.58.350.

The specific statute these rules are intended to implement is RCW 70.58.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1985.

Dated: September 4, 1985 By: John A. Beare, MD Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 70.58.300 through 70.58.350.

Re: New WAC 248-164-001 through 248-164-060, Sentinel birth defects.

Purpose of the New Rules: To establish procedures for reporting birth defects to the DSHS birth defects monitoring program.

Reason These Rules are Necessary: In 1984 the legislature passed a law mandating reporting of birth defects in children 0 to 14 years of age. The proposed rules and regulations are needed to administratively implement the provisions of this law.

Statutory Authority: RCW 70.58.300 through 70.58.350.

Summary of the Rule or Rule Change: WAC 248-164-001 defines the purpose of the rules and regulations and the purposes of the DSHS birth defects monitoring program; 248-164-010 sets forth definitions for terms used in subsequent sections of the WAC chapter; 248-164-020 defines who must submit birth defects reports and the circumstances under which birth defects reporting is required; 248-164-030 defines the specific information items that must be supplied in a birth defects report; 248-164-040 identifies what information must be supplied to parents regarding the reporting of their child's birth defect; 248-164-050 identifies the provisions under which information will be held confidential; and 248-164-060 specifies the department's intent to make information available on public and private services for the handicapped.

Person Responsible for the Enforcement of the Rule: Mary O'Mara, Birth Defects Monitoring Program, Health Data Section, Division of Health, mailstop ET-14, phone 753-4112.

Rules proposed by the Birth Defects Monitoring Program, Health Data Section, Division of Health, DSHS, under the advisement of the legislatively mandated Birth Defects Advisory Committee.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

Chapter 248-164 WAC SENTINEL BIRTH DEFECTS

NEW SECTION

WAC 248-164-001 PURPOSE. (1) The purpose of these rules and regulations is to establish procedures for reporting birth defects to the department's birth defects monitoring program (BDMP). These rules are promulgated pursuant to RCW 70.58.300 through 70.58.350 directing the department of social and health services to implement the provisions of the Sentinel Birth Defects Act.

(2) The purposes of the BDMP are to count and map birth defects, to correlate data on birth defects with factors potentially affecting the fetal environment such as environmental exposures, genetic disease, and maternal nutrition, and to provide information needed for planning and evaluating services for the handicapped.

NEW SECTION

WAC 248-164-010 DEFINITIONS. (1) "BDMP" means the department's birth defects monitoring program.

(2) "Confidential" means information maintained in the DSHS birth defects registry that identifies or which could be used to identify a child with a birth defect.

(3) "Department" means the Washington state department of social and health services (DSHS).

(4) "ICD-9-CM" means a publication entitled International Classification of Diseases, 9th Revision, Clinical Modification, published by the U.S. Department of Health and Human Services, where disease classification is confined to a limited number of categories encompassing the entire range of morbid conditions.

(5) "May" means permissive or discretionary on the part of the department.

(6) "Record" means the computerized birth defects registry record for a child with a reported birth defect.

(7) "Report" means a written report of information required for birth defects registration purposes made on a form designated for reporting purposes by the department.

(8) "Sentinel" means a birth defect signaling the possible presence of environmental hazards, genetic disease, poor maternal health, or some other risk factor to which a child's mother and/or father was exposed and which exposure may have contributed to development of child's birth defect. For purposes of this chapter, sentinel birth defects include all congenital anomalies (ICD-9-CM, 740.0-759.9), childhood cancers, cerebral palsy, mental retardation, and congenital infections.

(9) "Shall" means compliance is mandatory.

NEW SECTION

WAC 248-164-020 GENERAL REQUIREMENTS. (1) Physicians have primary responsibility for reporting birth defects detected in their patients.

(2) Birth defects shall be reported if each of the following criteria apply:

(a) The condition is among those listed in WAC 248-164-030;

(b) The child was born on or after January 1, 1986;

(c) The child was between zero and fourteen years of age at the time of first diagnosis or treatment of the condition; and

(d) The child was seen for the condition in a medical care setting in Washington state.

(3) Hospitals and outpatient clinics may elect to fulfill physicians' reporting responsibilities. Physicians need not submit reports for patients treated at hospitals or clinics having agreed to provide birth defects information to the BDMP directly.

(4) For infants delivered in a birth center or other nonhospital setting, the attendant at birth shall be responsible for reporting birth defects detected at time of birth.

- (5) Physicians need not report conditions already reported to the DSHS crippled children's services (CCS) program or the DSHS division of developmental disabilities (DDD).
- (6) Conditions need only be reported once. To avoid duplicate reporting, health care providers may contact the BDMP at 1-800-228-6087 to find out whether a condition of their patient was previously reported.
- (7) Instructions for completing and submitting birth defects reports shall be provided in a procedures manual published by the BDMP.

NEW SECTION

WAC 248-164-030 INFORMATION—CONTENT OF RE-PORTS. (1) Congenital anomalies and other childhood conditions shall be reported in a manner identifying conditions by name and ICD-9-CM code. Conditions to be reported include:

		Code
Conditions	ICD-9-CM	Range
(a) Anomalies of the central nervous system	740.0 -	742.9
(b) Anomalies of the eye	743.0 -	743.9
(c) Anomalies of the ear, face, neck	744.0 -	744.9
(d) Anomalies of the cardiovascular system	745.0 -	747.9
(e) Anomalies of the respiratory system	748.0 -	748.9
(f) Anomalies of the gastrointestinal system	749.0 -	751.9
(g) Urogenital anomalies	752.0 -	753.9
(h) Musculoskeletal deformities	754.0 -	756.9
(i) Anomalies of the skin	757.0 -	757.9
(i) Chromosomal anomalies, syndromes, and		
other congenital anomalies	758.0 -	759.9
(k) Childhood cancers	140.0 -	208.9
(1) Mental retardation (I.Q. less than 70)	317 -	319
(m) Congenital infections		090.2,
(III) Congenital infections		090.9.
		771.2,
	760.2	
(a) Carabral pales		343.3,
(n) Cerebral palsy	437.8	2 .5.51
	437.0	

- (2) For children having one or more of the above cited reportable birth defects, the following diagnostic information shall be reported:
 - (a) Name and ICD-9-CM code of diagnosed birth defect.
 - (b) Month, day, and year defect was diagnosed or treated
- (c) Whether diagnosed defects comprise a recognizable birth defect syndrome and, if so, the name and ICD-9-CM code of syndrome.
- (d) Child's height and weight (only for nonneonates and only if available).
- (e) Child's head circumference (for nonneonates up to two years of age if available).
- (3) To eliminate duplicate reports for the same condition, and to permit combining of information from multiple reporting sources, the following identifying information shall be reported:
 - (a) Child's name (first, last, and middle initial).
- (b) Name of child's father and mother, if available (first, last, and middle initial).
 - (c) Child's current address (street, city, state, ZIP code).
 - (d) Child's residence at time of birth (state or foreign country).
 - (e) Child's birth date (month, day, and year).
 - (f) Child's sex.
- (4) To provide a basis for verifying the accuracy and completeness of birth defects information, and to provide information needed for follow-back epidemiologic studies, the following information shall be reported:
- (a) Name of physician detecting or treating child's condition (first, last, and middle initial).
- (b) Identification of data source (name of hospital, clinic, service treatment program, etc.).
 - (c) Name and phone number of person completing form.
 - (d) Identification number on child's medical/treatment chart.
 - (e) Date report was completed (month, day, and year).
- (5) Forms for reporting of birth defects shall be available through the office of the birth defects monitoring program of the division of health, DSHS, mail stop ET-14, Olympia, Washington 98504.

NEW SECTION

WAC 248-164-040 INFORMATION TO PARENTS. The primary physician or other primary health care provider of the child shall advise parents or legal guardians of birth defects reported to the birth defects registry. DSHS shall make available a brochure and a copy of the completed birth defects report that may be used as a means of meeting this information requirement.

NEW SECTION

WAC 248-164-050 CONFIDENTIALITY OF REPORTS—ACCESS TO INFORMATION—USE OF INFORMATION. (1) The release of confidential information shall be governed by the provisions of current law regarding personal records/disclosure (chapter 334, Laws of 1985).

(2) In accordance with the provisions of chapter 334, Laws of 1985, confidential information shall not be disclosed unless:

(a) The request for confidential information is made by the child's parent or legal guardian or the child himself or herself at age of majority; or

(b) The request for confidential information is made by a scientific research professional associated with a bona fide scientific research organization, and the research professional's written research proposal has been reviewed and approved by the department's human research review board with respect to scientific merit and confidentiality safeguards, and the director of the division of health has given administrative approval for the proposal; or

(c) The request for confidential information is made by the DSHS office of epidemiology and is needed for epidemiological research activities in response to a real or suspected immediate public health hazard.

(3) In carrying out epidemiologic investigations using confidential information, researchers shall contact the child's attending physician before contacting families if possible.

NEW SECTION

WAC 248-164-060 INFORMATION ON PUBLIC AND PRIVATE SERVICES FOR HANDICAPPED. Information on public and private services for the handicapped shall be available through the BDMP.

WSR 85-18-081 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to telecommunications companies, WAC 480-120-011, 480-120-021, 480-120-022, 480-120-023, 480-120-024, 480-120-025, 480-120-031, 480-120-041, 480-120-042, 480-120-056 and 480-120-088. The proposed new and amendatory sections are shown below as Appendix A, Cause No. U-85-56. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, October 9, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040.

The specific statute these rules are intended to implement is chapter 450, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 4, 1985.

Dated: September 4, 1985

By: Paul Curl

Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-120-011, 480-120-021, 480-120-031, 480-120-041, 480-120-042, 480-120-056, 480-120-088, adopting 480-120-022, 480-120-023, 480-120-024 and 480-120-025, relating to telecommunications companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and chapter 450, Laws of 1985, which direct that the commission has authority to implement the provisions of chapter 81.36 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to provide a procedure for classification of telecommunications companies and telecommunication services as contemplated by sections 4 and 5 of the governing statute.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and chapter 450, Laws of 1985.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-011 APPLICATION OF RULES. These rules and regulations shall govern the furnishing of intrastate ((telephone)) telecommunications service and facilities to the public by ((telephone)) telecommunications companies subject to the jurisdiction of the commission, such public service company hereinafter referred to as "utility." The purpose of these rules is to set forth reasonable service standards to the end that modern, adequate, efficient and sufficient ((telephone)) telecommunications service will be rendered to the nublic

The effective tariff provisions filed by utilities shall conform to these rules. In event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or subscriber are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rules herein, except when such provisions are fixed by statute. No deviation of these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 80.04 RCW.

<u>AMENDATORY SECTION</u> (Amending Order R-131, Cause No. U-79-42, filed 9/18/79)

WAC 480-120-021 GLOSSARY. Applicant – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device - any automatic terminal equipment which incorporates the following features:

- (1) (a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
 - (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Base rate area or primary rate area – the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Central office – a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission - the Washington utilities and transportation commission.

Competitive telecommunications company – a telecommunications company which has been classified as such by the commission pursuant to section 4, chapter 450, Laws of 1985.

Competitive telecommunications service – a service which has been classified as such by the commission pursuant to section 5, chapter 450, Laws of 1985.

Customer – user not classified as a subscriber.

Exchange – a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area - the specific area served by, or purported to be served by an exchange.

Farmer line – outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telephone utility for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station - a telephone instrument installed and in use on a farmer line.

Outside plant – the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Station – a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station – a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Utility – any corporation, company, association, joint stock association, partnership, person, their lesses, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

NEW SECTION

WAC 480-120-022 CLASSIFICATION PROCEEDINGS. (1) Rules of practice and procedure applicable. The rules of practice and procedure before the commission, chapter 480-08 WAC, shall apply generally to proceedings to classify a telecommunications company as a competitive telecommunications company or a service as a competitive telecommunications service.

- (2) Initiation of classification proceedings. A telecommunications company shall initiate a classification proceeding by filing a petition with the commission. The commission may initiate a classification proceeding on its own motion by a complaint and order instituting investigation.
- (3) Notice to affected companies and public counsel. The commission shall serve a copy of the petition or its own complaint upon all telecommunications companies which may be affected by the proceeding, and upon the public counsel section of the office of the attorney general. Service by the commission shall be made as provided in WAC 480-08-060(4). Alternatively, the commission may direct petitioner to serve a copy of the petition upon such parties as the commission directs. Service by petitioner shall be made in accordance with WAC 480-08-060(3).
- (4) Notice to customers of classification proceeding. The commission may require a telecommunications company to give notice to its customers. The commission shall determine the manner of notice.
- (5) Appearances and intervention. Any person desiring to participate in a classification proceeding may petition to intervene as provided in WAC 480-08-070.
- (6) Commission may require appearance. In any classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine their classification.
- (7) Burden of proof. In any classification proceeding, the telecommunications company shall have the burden of demonstrating that the company or services at issue are subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to significant captive customer base. In determining whether a service is competitive, factors the commission shall consider include but are not limited to:
 - (a) The number and size of alternative providers of services;
- (b) The extent to which services are available from alternative providers in the relevant market;
- (c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and
- (d) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

A telecommunications company will not be classified as competitive unless it demonstrates that all of the services it offers are subject to effective competition.

NEW SECTION

WAC 480-120-023 CONTENT OF PETITION FOR CLASSIFICATION OF COMPETITIVE TELECOMMUNICATIONS SERVICES AND COMPANIES. In addition to the requirements of WAC 480-08-050(13), a petition for classification of a competitive telecommunications service or a competitive telecommunications company shall, at a minimum, be accompanied with the following:

- (1) Name and address of the petitioner;
- (2) A complete description of the services it offers;
- (3) Names and addresses of any entities which would be classified as "affiliated interests" of the petitioner pursuant to RCW 80.16.010;
- (4) A statement of the services the petitioner contends are subject to effective competition, and with respect to each such service the following information shall be provided:
- (a) Descriptions of all services in the petitioner's definition of the relevant market for the service;
 - (b) Names and addresses of all providers of such services;
- (c) Prices, terms, and conditions under which such services are offered;
 - (d) A geographical delineation of the relevant market;
- (e) An estimate of petitioner's market share and any past or projected change in market share;
 - (f) A description of ease of entry into the market;
- (g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not;
- (h) A verifiable cost of service study which shows the revenues which must be received through bills for the allegedly competitive service in order for that service to cover its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement;

(i) The manner by which notice of price list changes will be provided to customers and the commission.

NEW SECTION

WAC 480-120-024 WAIVER OF REGULATORY REQUIRE-MENTS FOR COMPETITIVE TELECOMMUNICATIONS COMPANIES. (1) The commission may waive in writing regulatory requirements for competitive telecommunications companies if it is determined that competition will serve the same purposes as public interest regulation.

(2) Any telecommunications company seeking competitive classification should include as part of its petition for classification any requests for waivers of regulatory requirements. No request for waiver not included in a petition shall be granted or denied except in writing, and the commission reserves the right to set any such request for hearing at its discretion. Any request for waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.

(3) The commission may revoke waivers of regulatory requirements in the same manner in which they were granted if such revocation would protect the public interest.

NEW SECTION

WAC 480-120-025 INVESTIGATIONS. (1) Information to the commission. The commission may require competitive telecommunications companies or telecommunications companies providing competitive services to submit periodically information relating to the factors set forth in WAC 480-120-027(7).

- (2) Reclassification. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest. In any such hearing the burden shall rest on the telecommunications company to demonstrate that the existing classification is proper and consistent with the public interest.
- (3) Refunds. If the commission finds after notice and hearing that any class of subscribers to a noncompetitive telecommunications service has paid excessive rates because of below cost pricing of competitive telecommunications services, the commission may order refunds or credits.

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-031 ACCOUNTING. The "Uniform System of Accounts for Class A and Class B Telephone Companies" published by the Federal Communications Commission (FCC) and designated as Volume VIII, Part 31, is hereby prescribed for use of telephone utilities in the state of Washington.

Telephone utilities operating within this state shall be classed by revenue as follows:

CLASS ANNUAL GROSS OPERATING REVENUE

A Exceeding \$100,000 B \$100,000 or less

Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of ((telephone)) telecommunications companies: PROVIDED, That the commission is notified promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

Any provisions contained in the Uniform System of Accounts adopted in paragraph one above which is contrary to paragraph two and three above are hereby deleted.

The Annual Report Form (FCC Form "M") promulgated by the Federal Communications Commission (FCC) is hereby adopted for purposes of annually reporting to this commission by all ((telephone)) telecommunications companies.

Any deviation from the Uniform System of Accounts and the Annual Report forms adopted and published by the FCC will only be accomplished after due notice and order by this commission.

The total company results of operations reported by each telephone utility in its annual report shall agree with the results of operations shown on its books and records.

All telephone utilities having multi-state operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.

All telephone utilities having multi-state operations shall report to this commission at least once each year, as a supplement to its annual report, such allocations between states as are requested by the commission from time to time for each utility. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission.

The Annual Budget of Expenditures Form for budgetary reporting by all ((telephone)) telecommunications companies having \$25,000 or more in annual revenue will be published by this commission in accordance with chapter 480-140 WAC. Any change to these forms will only be accomplished after due notice and order of this commission.

AMENDATORY SECTION (Amending Order R-86, filed 6/30/76)

WAC 480-120-041 AVAILABILITY OF INFORMATION. Each utility shall make known to applicants for service and to its subscribers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs) of the ((telephone)) telecommunications company shall be made available to the public upon request at any of its listed business offices. In addition, each ((telephone)) telecommunications company shall publish in its directory a consumer information guide which details the rights and responsibilities of a utility customer. Such guide shall describe processes for establishing credit and determining to need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility first by procedures within the utility and then to the commission by formal or informal complaint.

A copy of these rules (chapter 480-120 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its subscribers or their representatives upon request.

AMENDATORY SECTION (Amending Order R-92, filed 2/9/77)

WAC 480-120-042 DIRECTORY SERVICE. A telephone directory shall be regularly published for each exchange, listing the name, address (unless omission is requested), and telephone number of the subscribers who can be called in that exchange, except those subscribers who have a nonlisted or nonpublished telephone number. Any subscriber to residential service may request a dual name primary directory listing which contains, in addition to the subscriber's surname, the given names or initials (or combination thereof) of the subscriber and (1) one other person with the same surname who resides at the same address; or (2) a second name, other than surname, by which the subscriber is also known, including the married name of a woman whose husband is deceased. Any additional directory listing requested by a subscriber pursuant to tariff provision shall also reflect said dual name listing if requested by the subscriber. (Each subscriber to residential service as of the effective date of this rule shall be entitled for a six month period to request on a one-time basis at no cost a change in the manner of listing the subscriber's name to the dual name listing provided for above, so long as there has been no other change requested and made in the subscriber's directory listing since the effective date.)

A copy of any required directory shall be furnished each subscriber in each exchange. If that directory does not also contain such listings for all subscribers who can be called toll free from that exchange (excluding WATS), a copy of the directory or directories required for that coverage shall be furnished each subscriber upon request and without charge. If anyone requests a directory other than the one(s) provided for above, the company may apply a charge equal to, but not to exceed, its actual cost for the directory, plus freight, postage, and \$0.50.

Normally, telephone directories shall be revised annually, otherwise they shall be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. The revision of directories may at times be required more often than specified to keep the directory correct and up to date. Exemptions from these requirements may be allowed by the commission upon application if it can be shown that it is unnecessary to revise the directory within the specified time limit for good cause and/or due to a relatively small number of changes resulting from new listings or changed numbers and if the exchange is equipped for adequate intercept in the case of dial exchanges.

In the event of an error in the listed number of any subscriber, the ((telephone)) telecommunications company shall, until a new directory is published, intercept all calls to the incorrectly listed number to give

the calling party the correct number of the called party, providing that this is permitted by existing central office equipment and the incorrectly listed number is not a number presently assigned to another subscriber. In the event of an error or omission in the name listing of a subscriber, such subscriber's correct name and telephone number shall be maintained in the files of the directory assistance operator, and the correct number shall be furnished the calling party upon request.

Whenever a subscriber's telephone number is changed for any reason after a directory is published, the utility shall intercept all calls to the former number, if existing office equipment will permit, for a minimum period of thirty days or until a new directory is published, and give the calling party the new number for that subscriber unless the subscriber has requested that such referral not be made.

When additions or changes to plant or records are scheduled which will necessitate a large group of number changes, a minimum of six months notice shall be given to all subscribers then of record and so affected even though the additions or changes may be coincidental with the issuance of a new directory.

AMENDATORY SECTION (Amending Order R-219, Cause No. U-84-69, filed 2/1/85)

WAC 480-120-056 DEPOSITS. (1) Establishment of credit—Residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following subparagraphs (a), (b), or (c), subject to the provisions of subsection (3) of this section:

- (a) Prior service with the utility in question of at least twelve months duration, ending no longer than one year prior to the date of application if service was not disconnected for failure to pay and no more than two delinquency notices were served upon the customer, or
- (b) Prior service with a utility of the same type as that of which service is sought for at least twelve consecutive months with a satisfactory payment record as demonstrated in (1)(a) of this subsection: PROVIDED, That the reference may be quickly and easily checked, and the necessary information is provided, or
- (c) Demonstrate three of the credit factors from the following factors:
- (i) Full-time consecutive employment, with no more than two employers, or a regular source of income during the entire twenty-four months prior to the application for service, and the applicant is currently employed or has a regular source of income; or the applicant has a permanent, regular source of income.
 - (ii) Ownership of the premises to be served.
 - (iii) Has a savings account.
 - (iv) Has been issued a major charge card.
 - (v) Has been issued a major oil charge card.
 - (vi) Has been issued a local charge card.
- (2) Establishment of credit nonresidential. An applicant for nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.
- (3) Deposit requirements. A deposit may be required under the following circumstances:
- (a) Where the applicant has failed to establish a satisfactory credit history as outlined above.
- (b) In any event, a deposit may be required when, within the twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing for service from the utility to which application is being made or any other ((telephone)) telecommunications company; or where three or more delinquency notices have been served upon the applicant by any other ((telephone)) telecommunications company during the twelve months previous to the application for service.
- (c) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.
- (d) When a subscriber (i) is initially provided service without a deposit on the basis of credit information supplied to the utility by the subscriber which is incorrect or cannot be verified by the utility and the subscriber would have otherwise been required to make a deposit; or (ii) has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or (iii) has an unpaid, overdue balance owing for the same class of telephone service from the utility providing that service, or any other ((telephone)) telecommunications company, which becomes known to the serving utility after current service has been provided; or (iv) has given the utility cause to disconnect for nonpayment, but the

utility has elected not to disconnect service; or (v) has incurred excessive toll charges as defined in subsection (4)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (4)(b) of this section.

- (e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5 p.m. of the first business day following notification.
 - (4) Amount of deposit.
- (a) In instances where a deposit may be required by the utility, the deposit shall not exceed:
- (i) For nonresidential service, two-twelfths of estimated annual billings:
- (ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service, or two months new line billings for all other residential subscribers in a reasonable amount established in the tariffs of the utility, based upon data presented for commission review.
- (b) Subscribers whose toll charges exceed the estimated amount by twenty dollars or by twenty percent, whichever is greater, or whose toll charges exceed customary utilization over the previous six months by a like amount when no estimate has been taken, or whose estimated toll or customary utilization is not available and the toll charges exceed fifty percent of the two months new line billing for all utility subscribers of the same class of service as established in the tariffs of the utility, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:
- (i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the utility between the time of notice and of payment.
- (ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon two months customary utilization.
- (c) If the notice herein described is mailed, receipt may be presumed open the forth business day following date of mailing.
- (d) At the time application is made for service, the utility may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required, a deposit or additional deposit may be required, or service may be disconnected.
- (5) Application of deposits. When the account of a subscriber is delinquent any amount on deposit on that account may be applied by the utility towards satisfaction of the past due amount before disconnection is effected. Written notice of such application of the deposit shall be promptly furnished to the subscriber. If an amount on deposit is applied toward satisfaction of any past due amount, the utility may require of the subscriber an additional deposit in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit. Application of a deposit as provided for herein shall not prevent disconnection of service for failure by a subscriber to pay any past due amount which may remain outstanding.
- (6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.
- (7) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.
- (8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the following two months of service. A

subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection (9), alternative to deposit, of this section.

- (9) Alternative to deposit. A residential subscriber or applicant for residential service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required.
- (10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.
- (11) Refund of deposit. Deposits shall be refunded under the following circumstances in the following form:
- (a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service when in a prompt and satisfactory manner as evidenced by the following:
- (i) The utility has not initiated disconnection proceedings against the subscriber.
- (ii) No more than two notices of delinquency have been made to the subscriber by the utility.
- (b) Termination of service. Upon termination of service, the utility shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the utility by the subscriber for service rendered.
- (c) Refunds how made. Any deposit, plus accrued interest, shall be refunded to the subscriber either in the form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above, or applied to the subscriber's bill for service in the thirteenth and, if appropriate, subsequent months, in accordance with the preference as to of refund indicated by the subscriber at the time of deposit, or as thereafter modified.
- (12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

<u>AMENDATORY SECTION</u> (Amending Order R-212, Cause Nos. $\overline{U-83-51}$ and $\overline{U-83-56}$, filed 4/17/84)

WAC 480-120-088 AUTOMATIC DIALING-ANNOUNC-ING DEVICES. An automatic dialing-announcing device (ADAD) may not be operated while connected to the telephone network, except under the following conditions:

- (1) An ADAD may be used pursuant to a prior agreement from the called party that he or she desires to receive such telephone communication; or
- (2) An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:
- (a) States the nature and length in minutes of the recorded message;
- (b) Identifies the caller and the individual, business, group, or organization for whom the call is being made and a telephone number to which a return call can be placed; and
- (c) Asks the called party whether he or she is willing to listen to the recorded message; and
- (d) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message; or
- (3) An ADAD may be used if the recorded message:
- (a) Identifies the individual, business, group, or organization for whom the call is being made, the nature and length of the call, and a telephone number to which a return call may be placed; and
- (b) Automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.
- (c) An emergency ADAD may be connected to the telephone network only under the following conditions:
- (i) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.
- (ii) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds.
- (iii) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function.
 - (iv) The ADAD satisfies applicable state safety requirements.

(v) The user registers the instrument with and receives written approval for its use from the emergency services to which an automatic call would be directed, and secures from such services an approved telephone number or numbers to be programmed into the instrument: PROVIDED, That the user shall not program the instrument to dial police or 911 emergency response numbers.

As to any ADAD, provision must be made to preclude the dialing of unlisted telephone numbers and the dialing of designated public service emergency telephone numbers as listed in published telephone directories and to preclude the ADAD from dialing any telephone number before 8:30 a.m. or after 9:00 p.m., except where the ADAD is designed to deliver a message in response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone subscriber prior to using the ADAD to dial such agency or subscriber.

Before any ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, may be operated while connected to the telephone network, the potential user of such device shall notify the telephone utility in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message. In addition, each utility shall maintain records of such ADAD equipment connected to their facilities and provide the commission with quarterly reports detailing the individual business, group, or organization operating such ADAD, their address and associated telephone number.

The telephone utility shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others, the utility may suspend or terminate the service after five days' notice to the subscriber. If use of the ADAD creates overloading in a ((telephone)) telecommunications company switching office, the utility may suspend or terminate the service with no prior notice.

The telephone subscriber who uses ADAD equipment shall notify the utility in writing within thirty days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.

Except for an ADAD designed to deliver a message in response to an emergency situation, no ADAD shall be connected to the network unless the subscriber furnishes the utility with a written certification that the equipment can effectively preclude calls to unlisted telephone numbers, to designated public service emergency numbers, or to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or by statute, as subscribers who are not to receive ADAD calls.

The telephone utility shall suspend or terminate the telephone service of any subscriber who uses an ADAD in violation of the provisions of this rule provided that the subscriber is given eight business days' notice or with no prior notice if use of the ADAD creates overloading in a ((telephone)) telecommunications company switching office.

WSR 85-18-082 EMERGENCY RULES DEPARTMENT OF NATURAL RESOURCES

[Order 469—Filed September 4, 1985]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule regulating logging, land clearing, and other industrial operations which may cause a fire to start on lands protected by the Department of Natural Resources in Eastern Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to existing fire conditions in certain places in Washington, and the lack of adequate resources currently available to take suppression action on wildfires, it is necessary to regulate operations which may cause a fire to start.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED September 4, 1985.

By Brian J. Boyle Commissioner of Public Lands

NEW SECTION

WAC 332-26-091c HOOT OWL LOGGING RE-STRICTION ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON. Effective midnight, Wednesday, September 4, 1985, through midnight, Monday, September 9, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in Chelan, Kittitas, Yakima, and Klickitat counties.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

REPEALER

The following section of the Washington Administrative Code is repealed:

1) WAC 332-26-091b HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY

THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON.

WSR 85-18-083 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning work period designations, amending WAC 251-09-020:

that the agency will at 9:00 a.m., Friday, October 18, 1985, in the Board Room, Western Washington University, Bellingham, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1985.

> Dated: September 4, 1985 By: John A. Spitz

Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on September 3, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-09-020 Work period designations.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rule: Provide structure for payment of overtime compensation.

Summary of Proposed Change: Overtime compensation is to be brought in line with Fair Labor Standards

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/ recommendations.

The change is the result of federal court action, Garcia vs. San Antonio Metropolitan Transit Authority, 53 L.W. 4135 (1985).

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-09-020 WORK PERIOD DESIGNATIONS. Each position will be assigned by the personnel officer to one of the work period designations identified below, and employees will be informed of their eligibility for overtime compensation.

- (1) Scheduled work periods, within which there are three work schedules:
- (a) Regular work schedule. The regular work schedule for full-time classified employees shall consist of five consecutive and uniformly scheduled eight hour days in a seven day period. Uniformly scheduled means a daily repetition of the same working hours and a weekly repetition of the same working days.
- (b) Alternate work schedule. Operational necessity or employee convenience may require positions that are normally designated regular work schedule to work an alternate forty hour work schedule (other than five uniform and consecutive eight hour days in a seven day period), or as provided by the ((Washington state minimum wage law in conjunction with the federal law)) Fair Labor Standards Act which provides for an eighty hour workweek in a fourteen day period for hospital personnel. Alternate work schedules shall be made available upon request of the director.
- (c) Emergency response fire officer work schedule. Institutions which operate an emergency response fire department may establish work week schedules for emergency response personnel which provide for a daily work shift of twenty-four hours. The weekly schedule shall provide for at least forty-eight hours, but not more than fifty-six hours, as required to meet operational requirements. Emergency response personnel assigned to twenty-four hour schedules shall be subject to the following conditions:
 - (i) All rules in chapter 251-22 WAC shall apply.
- (ii) Changes to the established work schedule shall be made as provided in WAC 251-09-025.
 - (iii) Shift differential shall not be paid.
- (iv) Overtime shall be paid for work performed in excess of the scheduled daily work shift or the scheduled work week. The overtime compensation shall be as provided in WAC 251-09-030 (2) and (3).
- (v) Holidays shall be as provided in WAC 251-22-040 and 251-22-045. When assigned to work on a designated holiday, emergency response personnel shall receive their regular daily pay plus eight hours of holiday pay. Compensation for the eight hours of holiday time shall be at the rate of time and one-half.
- (2) Nonscheduled work period. The nonscheduled work period designation applies to those positions for which the hours cannot be scheduled but which work a forty hour week and do not meet any of the other work period designations. The personnel officer shall designate positions as nonscheduled in accordance with the institution's procedure approved by the director.
- (3) Excepted work period. The excepted work period designation applies to classes and positions which meet the HEPB definitions of executive, administrative, or professional employees and are assigned to salary ranges twenty-three and above. Qualifying classes will be approved by the director. Each personnel officer will be responsible for determining the positions designated "excepted" at his/her institution. The personnel officer will develop a procedure for verifying "excepted" positions which will be available for review by the director.

WSR 85-18-084 PROPOSED RULES **HIGHER EDUCATION** PERSONNEL BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning overtime, amending WAC 251-09-030;

that the agency will at 9:00 a.m., Friday, October 18, 1985, in the Board Room, Western Washington University, Bellingham, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1985.

Dated: September 4, 1985 By: John A. Spitz Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on September 4, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-09-030 Overtime.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rule: To provide overtime provisions for scheduled, nonscheduled, and excepted employees in the higher education system.

Summary of Proposed Changes: To fully comply with the Fair Labor Standards Act.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Larry Lael, State Board for Community College Education and the Inter-Institutional Personnel Officers Committee.

The agency makes no additional comments/recommendations.

The change is the result of federal court action, Garcia vs. San Antonio Metropolitan Transit Authority, 53 L.W. 4135 (1985).

AMENDATORY SECTION (Amending Order 74, filed 5/30/79, effective 7/1/79)

WAC 251-09-030 OVERTIME. (1) Any one of the following constitutes overtime:

(a) ((Work in excess of the daily work shift for full-time employees assigned to scheduled work period positions;

(b))) Work in excess of forty hours in one workweek for employees assigned to scheduled or nonscheduled work period positions; or

(((c))) (b) For hospital personnel assigned to a fourteen—day schedule, work in excess of eight hours in a twenty—four hour period or eighty hours in a fourteen—day period.

- (2) ((Overtime worked by employees assigned to scheduled or non-scheduled work period positions shall be compensated at a rate of one and one-half times the employee's straight time hourly rate including shift differential for all overtime worked as provided in subsection (1) of this section:
- (3) Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment as compensation for overtime worked; however, at the employee's request compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of monetary payment, except that agricultural employees shall receive compensatory time off or monetary payment at the option of the institution.
- (4) Use of accrued compensatory time shall be approved by the employing official with consideration being given to the work requirements of the department and the wishes of the employee. Compensatory time off may be scheduled by the employing official during the final sixty days of a biennium.
- (5)) Compensation—Compensatory time and monetary pay. Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment or compensatory time off at one and one-half times the overtime hours worked, provided that payment is

liquidated within the pay period. Compensatory time off may be granted in lieu of monetary payment and must be taken within the pay period in which the overtime work was performed.

(3) Computation of overtime rates. Overtime worked by employees

(3) Computation of overtime rates. Overtime worked by employees assigned to scheduled or nonscheduled work period positions shall be compensated at a rate of one and one-half times the employee's straight time hourly rate for all overtime worked as provided in subsection (1) of this section.

For purposes of computing overtime rates, the straight time hourly rate shall include shift differential, hazardous duty and all other appropriate premium pay rates.

(4) Excepted employees. Employees assigned to excepted work period positions normally do not qualify for overtime. Under circumstances in which the employee is directed to work an excessive amount of overtime, the personnel officer may authorize additional compensation in cash or compensatory time off not to exceed one and one-half times the employee's regular rate. The employee may petition the personnel officer for compensation of the directed overtime.

(((6) For purposes of computing overtime compensation, holidays or leave with pay during the employee's regular work schedule shall be considered as time worked.)) Fair Labor Standards Act exempt positions which do not meet the act's criteria for executive, administrative and professional exemptions shall be compensated in accordance with the act's requirements.

WSR 85-18-085 PROPOSED RULES DEPARTMENT OF LICENSING (Board of Funeral Directors and Embalmers)

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Funeral Directors and Embalmers intends to adopt, amend, or repeal rules concerning procedures for handling dead human bodies by authorized crematory authorities:

WAC 308-48-700 Definitions.

New	WAC 308-48-710	Identification of human remains.
New	WAC 308-48-720	Holding human remains for cremation.
New	WAC 308-48-730	Cremation of human remains.
New	WAC 308-48-740	Processing of cremated remains.
New	WAC 308-48-750	Packaging and storage of cremated or
	***** 6. 200 40 740	processed remains.
New	WAC 308-48-760	Disposition of cremated or processed remains.
New	WAC 308-48-770	Endorsement required.
New	WAC 308-48-780	

that the agency will at 9:30 a.m., Wednesday, October 9, 1985, in the Exam Room, 1300 Quince Street S.E., Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.39.175 as amended by section 6, chapter 402, Laws of 1985.

The specific statute these rules are intended to implement is chapter 42, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1985.

Dated: September 4, 1985

By: Cynthia J. Jones

Executive Secretary

New

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Funeral Directors and Embalmers.

Purpose: To implement chapter 402, Laws of 1985, to provide procedures for handling dead human bodies by authorized crematory authorities.

Statutory Authority: Section 6, chapter 402, Laws of 1985. The rules are intended to implement chapter 402, Laws of 1985.

Summary: The proposed rules contain procedures for handling dead human bodies by authorized crematory authorities: WAC 308-48-700 Definitions; 308-48-710 Identification of human remains; 308-48-720 Holding human remains for cremation; 308-48-730 Cremation of human remains; 308-48-740 Processing of cremated remains; 308-48-750 Packaging and storage of cremated or processed remains; 308-48-760 Disposition of cremated or processed remains; 308-48-770 Endorsement required; and 308-48-780 Crematories—Inspections.

Reason Proposed: The rules will enhance the board's ability to ensure the professionalism and public trust expected of those entrusted with the disposition of the human dead by cremation.

Responsible Departmental Personnel: The Washington State Board of Funeral Directors and Embalmers and the executive secretary for the board have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Cynthia J. Jones, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-6936 comm, 234-6936 scan.

Proponents of the Proposed Rules: Washington State Board of Funeral Directors and Embalmers.

Federal Law or Federal or State Court Requirements: The proposed rules are not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-48-700 DEFINITIONS. Unless the context clearly requires otherwise, the following definitions shall apply: (1) "Authorizing agent" means the person or persons legally entitled to order the cremation of the human remains.

- (2) "Cremated remains" means the remaining bone fragments after cremation.
- (3) "Cremation" means the reduction of a human body by combustion or calcination to its lowest elements.
- (4) "Cremation chamber" means the enclosed space within which the cremation process takes place.
- (5) "Cremation container" means the case in which the human remains should be delivered to the crematory to be placed in the cremation chamber for cremation.
- (6) "Crematory" means the legal entity which conducts cremations or the building or area of a building that houses the cremation chamber and holding facility.(7) "Holding facility" means an area designated for the retention of
- (7) "Holding facility" means an area designated for the retention of human remains prior to disposition.
 - (8) "Human remains" means the body of a deceased person.
- (9) "Processed remains" means bone fragments reduced to unidentifiable dimensions by pulverization after foreign materials are removed; sometimes referred to as ashes.
- (10) "Sealable container" means any container in which processed remains can be placed and sealed to prevent leakage of contents and the entrance of foreign materials.

NEW SECTION

WAC 308-48-710 IDENTIFICATION OF HUMAN RE-MAINS. A crematory shall not take custody of unidentified human remains. Before acceptance of human remains, the crematory shall verify that identification is attached to the cremation container or to the remains. Upon acceptance of human remains for cremation, the crematory shall make a permanent signed record of the following:

- (1) Name of deceased;
- (2) Date of death;
- (3) Place of death;
- (4) Name and relationship of authorizing agent;
- (5) Name of firm engaging crematory services.
- (6) Color, shape & outside covering of any casket or description of any alternative container or other covering to be consumed with the body.

NEW SECTION

WAC 308-48-720 HOLDING HUMAN REMAINS FOR CREMATION. (1) Human remains designated for cremation will be cremated without unreasonable delay.

- (2) When the crematory is unable to cremate the human remains immediately upon taking custody, the crematory shall provide a holding facility. The holding facility shall:
 - (a) Comply with any applicable public health law;
 - (b) Preserve the dignity of the Human Remains;
- (c) Recognize the personal integrity and health of the crematory personnel.
- (3) A crematory shall not hold the human remains for cremation unless it is contained within an individual, rigid and closed cremation container. The cremation container shall meet the following standards:
- (a) Be composed of a suitable combustible material. If the remains are delivered to the crematory in a non-combustible container, the authorizing agent shall be informed of the disposition of the container if it is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory shall be in accordance with the provisions of RCW 18.39 and regulations adopted thereunder and applicable health laws.
 - (b) Be rigid enough for handling with ease.
 - (c) Protect the health and safety of the crematory personnel.
 - (d) Provide proper covering for the human remains.
- (4) A crematory shall not accept for holding a human remains within a cremation container having evidence of body fluid leakage.
- (5) Human remains that are not embalmed shall be held only within a refrigerated facility or in compliance with applicable public health regulations.
- (6) Holding facilities shall be secure from access by all unauthorized persons.

NEW SECTION

WAC 308-48-730 CREMATION OF HUMAN REMAINS. (1) Cremation will not take place until the necessary permits and consents are issued by the Health Department and/or Coroner or Prosecuting Attorney

- (2) Immediately prior to being placed within the cremation Chamber, the identification of the human remains shall be verified by the crematory and placed near the cremation chamber control panel where it shall remain until the cremation is complete.
- (3) A crematory may not simultaneously cremate more than one human remains within the same cremation chamber unless written authorization to do so from the authorizing agent of each human remains to be cremated has been received after full and adequate disclosure regarding the manner of cremation. A written authorization shall exempt the crematory from all liability for commingling of cremated remains.

NEW SECTION

WAC 308-48-740 PROCESSING OF CREMATED REMAINS. (1) Upon completion of the cremation, all residual of the cremation process shall be removed from the cremation chamber and the chamber swept clean. The residual shall be placed within an individual container and the identification removed from the control panel area and attached to the container or tray.

(2) All cremated remains shall undergo final processing to comply with applicable legal requirements. Anything other than bone fragments shall be manually removed and the fragments then reduced to

five millimeters or less unless otherwise instructed by the authorizing agent. An exception to the five millimeter requirement shall be granted at the request of the authorizing agent for cremated remains which will be placed in a cemetery, mausoleum, columbarium or building devoted exclusively to religious purposes.

(3) All body prosthesis, bridgework or similar items removed from the cremated remains shall be disposed of by the crematory as directed by the authorizing agent. No other materials shall be removed from the cremated remains.

NEW SECTION

WAC 308-48-750 PACKAGING AND STORAGE OF CREMATED OR PROCESSED REMAINS. (1) The entire cremated or processed remains shall be placed in a sealable container or in such container as may have been ordered by the authorizing agent, and the identification of the cremated or processed remains noted on the container.

- (2) Should the cremated or processed remains not adequately fill the container, the space may be filled with suitable packing material that will not become integrated with the cremated or processed remains and securely closed.
- (3) If the entire cremated or processed remains will not fit within the dimensions of the designated receptacle, the remainder shall be placed in a separate container or, upon written permission of the authorizing agent, be disposed of according to the established procedures of the crematory.
- (4) When an unfirm temporary container is used, the container shall be placed within a sturdy container and all seams sealed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the deceased person whose processed or cremated remains are contained therein.

NEW SECTION

WAC 308-48-760 DISPOSITION OF CREMATED OR PRO-CESSED REMAINS. (1) A crematory shall keep an accurate record of all cremations performed and disposition of the remains as required by law. The record shall include the dates of the following: death, issuance of permit, delivery of remains to crematory, cremation, processing of cremated remains, and packaging of cremated or processed remains

- (2) When cremated or processed remains have been in the possession of a crematory, funeral establishment, or cemetery as originally authorized by the authorizing agent without instructions and/or payment for final disposition for a period of two years or more, prior to disposition the entity holding the remains must endeavor to contact the authorizing agent by registered mail for disposition instructions. The authorizing agent must be informed of the procedures that may be followed if disposition instructions are not received.
- (3) If contact cannot be made with the authorizing agent and/or disposition instructions are not received within 60 days, the entity holding cremated or processed remains may arrange for permanent disposition of the remains in any legal manner. If disposition is to be made in a cemetery, such disposition may be in an individual, common, or community grave, crypt or niche from which individual recovery of the cremated remains may or may not be possible. No entity making disposition of remains under this procedure shall be liable for the non-recoverability of the remains.
- (4) A permanent record of the name of the deceased, place of death, crematory and location of the disposition shall be maintained by the entity which arranged for permanent disposition of the remains.

NEW SECTION

WAC 308-48-770 ENDORSEMENT REQUIRED. No crematory owned or operated by or located on property licensed as a funeral establishment shall conduct cremations without first having applied for and obtained an endorsement for crematory operations from the board of funeral directors and embalmers. The endorsement shall be prominently displayed on the crematory premises.

NEW SECTION

WAC 308-48-780 CREMATORIES - INSPECTIONS. Crematories regulated under the authority of chapter 18.39 RCW are subject to inspection at least once each year by the inspector of funeral directors and embalmers to ensure compliance with Washington State laws

and regulations related to health or the handling or disposal of human remains.

WSR 85-18-086 PROPOSED RULES DEPARTMENT OF LICENSING (Physical Therapy Board)

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Physical Therapy Board intends to adopt, amend, or repeal rules concerning physical therapy appliances or devices, new section WAC 308-42-165;

that the agency will at 10:00 a.m., Tuesday, October 15, 1985, in the Sea-Tac Travelodge, 2824 South 188th Street, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.74.024(6).

The specific statute these rules are intended to implement is RCW 18.74.024(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 11, 1985.

Dated: September 4, 1985
By: John H. Keith
Assistant Attorney General
Board Advisor

STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Physical Therapy.

Purpose and Reason Proposed: To clarify the use of appliance or devices in physical therapy practice.

Summary: WAC 308-42-165 Physical therapy appliances or devices.

Statutory Authority: RCW 18.74.024(6).

Responsible Departmental Personnel: In addition to members of the Physical Therapy Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Barbara Johnson, Executive Secretary, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753–1153 comm, 234–1153 scan.

Proponents: The subject matter of this rule hearing has been proposed by the Washington State Board of Physical Therapy.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-42-165 PHYSICAL THERAPY APPLIANCES OR DEVICES. The practice of physical therapy includes the prescription, fabrication and application of appliances or devices which correct posture or aid in the rehabilitation of muscle or skeleton imbalances or ailments so long as no invasive procedures are performed.

WSR 85-18-087 ADOPTED RULES DEPARTMENT OF LICENSING (Physical Therapy Board)

[Order PL 549—Filed September 4, 1985]

Be it resolved by the Washington State Physical Therapy Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to the Uniform Disciplinary Act, repealing WAC 308-42-200.

This action is taken pursuant to Notice No. WSR 85-14-109 filed with the code reviser on July 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.74.028 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 22, 1985.

By Jack R. Goodwin, LPT Chairman

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-42-200 UNIFORM DISCIPLINARY ACT.

WSR 85-18-088 PROPOSED RULES MEDICAL DISCIPLINARY BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Medical Disciplinary Board intends to adopt, amend, or repeal rules concerning:

New WAC 320-20-025 Physicians and surgeons.

New WAC 320-20-026 Licensed health care professionals.

New WAC 320-20-027 All persons.

New WAC 320-18-020 Treatments; chelation therapy. Amd WAC 320-20-060 Professional liability carriers;

that the agency will at 9:00 a.m., Friday, October 18, 1985, in Providence Hospital, Room 3 East Large, 500 17th Avenue, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.72.150(1).

The specific statute these rules are intended to implement is RCW 18.72.265 (WAC 320-20-025, 320-20-026, 320-20-027 and 320-20-060), and RCW 18.72.030(12) (WAC 320-18-020).

Dated: September 4, 1985

By: David K. Boston

Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Medical Disciplinary Board.

Title: WAC 320-20-025 Physicians and surgeons; 320-20-026 Licensed health care professionals; 320-20-027 All persons; 320-20-060 Professional liability carriers; and 320-18-020 Treatments; chelation therapy.

Description of Purpose: New sections add persons required to report impaired physicians to the Medical Disciplinary Board and bring the reports under the confidentiality provided for in RCW 18.72.265. Amended section removes arbitrary criteria from the rule requiring liability carriers to report settlements to the board. It also requires the reporting of impaired physicians known to the carrier to report to the board. The final new section sets out standards of practice in the use of intravenous EDTA (chelation therapy) in treating chronic conditions.

Statutory Authority: RCW 18.72.150(1) and 18.72.265.

Summary of Proposed Rules and Reasons for Supporting Action: WAC 320-20-025, 320-20-026 and 320-20-027 add new sections to the mandatory reporting section of the regulations requiring in turn physicians and surgeons, health care professionals and all persons to mandatorily report to the Medical Disciplinary Board all physicians and surgeons who have an impairment mental or physical such that the public may be endangered. The purpose of the rules is to provide confidentiality to the reporting person and to the reported physician. The rules are intended to improve reporting to the board. The amendment of WAC 320-20-060 is to change the arbitrary criteria for the reporting of settlements by liability carriers to all settlements. The board's internal criteria will then be used to determine action on settlements reported. The board presently lacks this information and it is unavailable from other sources. The amendment requires the reporting of occurrences known to the liability carrier that indicate a licensee is mentally or physically impaired such that the public may be endangered. New section WAC 320-18-020 sets out standards of practice in the area of treatment of chronic illness with intravenous EDTA commonly known as chelation therapy. The rule requires disclosure of certain text, that certain records be kept, that certain tests be done and offers a sample consent form that incorporates the intent of the board in promulgating this rule.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: David K. Boston, Executive Secretary, Washington State Medical Disciplinary Board, Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504, phone (206) 753-2287 comm, 234-2287 scan.

Proponents: Medical Disciplinary Board staff.

Agency Comments: The agency believes these rules will increase reporting to the Medical Disciplinary Board and allow them to take action on emergent cases that otherwise would not be reported. In the case of the

rule regulating the use of chelation therapy the agency believes that full disclosure and testing will inform and protect the public in the use of this treatment for chronic illness.

These rules were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

NEW SECTION

WAC 320-20-025 PHYSICIANS AND SURGEONS. (1) Physicians licensed to practice medicine and surgery under chapter 18.71 RCW shall report to the medical disciplinary board when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical conditions.

- (2) This regulation shall not require reporting by an appropriately appointed peer review committee member of a licensed hospital; or by an appropriately designated professional review committee member of a county or state medical society during the investigative phase of their respective operations, PROVIDED, That these investigations are completed in a timely manner; or by a treating physician of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety or welfare.
- (3) This regulation is intended to provide confidentiality to the reporting and the reported physician for reasonable rehabilitation efforts. Confidentiality will be maintained until such efforts fail. If a reported physician agrees to and successfully completes a rehabilitation program. Confidentiality will be maintained. Violation of this mandatory report is unprofessional conduct; however, the maximum sanction that will be sought by the board for violation of this section will be a letter of reprimand.

NEW SECTION

WAC 320-20-026 LICENSED HEALTH CARE PROFES-SIONALS. (1) Licensed health care professionals shall report to the Medical Disciplinary Board when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

- (2) This regulation shall not require reporting by a treating licensed health care professional of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety or welfare.
- (3) This regulation is intended to provide confidentiality to the reporting licensed health care professional and the reported physician for reasonable rehabilitation efforts. Confidentiality will be maintained until such efforts fail. If a reported physician agrees to and and successfully completes a rehabilitation program, confidentiality will be maintained. Violation of this section by a licensed health care professional will result in a letter from the medical disciplinary board to the respective license board(s) of the license(s) held by the licensed health care professional stating the violation and recommending appropriate actions be taken.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 320-20-027 ALL PERSONS. (1) All persons shall report to the medical disciplinary board when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

(2) This regulation shall not require reporting by a person of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present denser to the public health cofety or walfare.

danger to the public health, safety or welfare.

(3) This regulation is intended to provide confidentiality to the person reporting and the reported physician for reasonable rehabilitation efforts. Confidentiality will be maintained until such efforts fail. If a reported physician agrees to and successfully completes a rehabilitation program, confidentiality will be maintained.

AMENDATORY SECTION (Amending Order PL 360, filed 10/29/80, effective 1/1/81)

WAC 320-20-060 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to physicians shall send a complete report of ((any)) all malpractice settlements, awards or payments ((over thirty thousand dollars)) as a result of a claim or action for damages allegence in the practice of medicine. ((Such institution or organization shall also report the award, settlement or payment of three or more claims during a year as the result of alleged physician incompetency or negligence in the practice of medicine regardless of the dollar amount of the award or payment.)) Such institution or organization shall also report instances wherein there is an allegation that the physician may be unable to practice with reasonable skill and safety to patients as the result of any mental or physical condition which may constitute an apparent risk to the public health, safety or welfare.

NEW SECTION

WAC 320-18-020 TREATMENTS; CHELATION THERAPY. (1) A physician shall be guilty of unprofessional conduct if he or she treats a patient utilizing intravenous EDTA for any nonacute diagnosis without first having disclosed to the patient in writing that:

'INDICATIONS

EDTA, the agent used in chelation therapy, is indicated in selected patients for the emergency treatment of hypercalcemia, acute heavy metal poisoning and for the control of ventricular arrhythmias associated with digitalis toxicity.

CONTRĂINDICATIONS

EDTA, the agent used in chelation therapy, is contraindicated in anuric patients. It is not indicated for the treatment of generalized arteriosclerosis associated with advancing age.

The use of EDTA, the agent used in chelation therapy, for the treatment of cardiovascular or general vascular disease is experimental and investigational."

- (2) A physician shall be guilty of unprofessional conduct if he or she treats a patient using intravenous EDTA and fails to include in the treatment protocol tests for determining renal excretory function before, during and after treatment using either serum creatinine or blood urea nitrogen (BUN) and daily urinalysis, AND if indicated, appropriate testing for cardiac, liver, and the central nervous system function.
- (3) A physician treating patients with intravenous EDTA shall maintain a complete record which must contain (a) a copy of the above disclosure signed by both the treating physician and the patient; (b) documentation of the diagnosis and the reason for prescribing the treatment; (c) dose, strength, quantity, rate of infusion and date of each treatment; and, (d) record of tests for renal, cardiac, liver, and central nervous system function.
- (4) The records required by section (2) shall be available for inspection by the board or its authorized representative upon request. All such records shall be kept for a period of five (5) years from the date of treatment.
- (5) The following suggested consent form incorporates the intent of the medical disciplinary board in implementing this regulation:

CONSENT FORM FOR CHELATION THERAPY WITH EDTA FOR CARDIOVASCULAR OR GENERAL VASCULAR INDICATIONS

I,, understand that I am consenting to the use of a drug for a treatment which is experimental and investigational when used for cardiovascular or general vascular diseases. Dr. will direct this therapy.

INDICATIONS

EDTA, the agent used in chelation therapy, is indicated in selected patients for the emergency treatment of hypercalcemia, acute heavy metal poisoning and for the control of ventricular arrhythmias associated with digitalis toxicity.

CONTRAINDICATIONS

EDTA, the agent used in chelation therapy, is contraindicated in anuric patients. It is not indicated for the treatment of generalized arteriosclerosis associated with advancing age.

I understand that the purpose of this therapy is to improve my cardiovascular or vascular function. The complications and side effects of this drug have been carefully explained to me. All adverse side effects have been discussed with me in simple, lay terms.

Furthermore, all alternative modes of therapy, including non-treatment, have been explained and I have been informed as to the reason that this chelation therapy will be the most efficacious. I understand that I must be monitored for possible adverse or systemic side effects.

If I prove allergic to EDTA or experience other adverse reactions, I understand the therapy will be discontinued and other treatments discussed with me at that time.

I have had an opportunity to ask Dr. questions concerning this form of treatment. These questions have been answered to my satisfaction. I further understand that I may withdraw this consent and discontinue participation in this treatment at any time without prejudice.

Date	Signature of patient
D-4-	Signature of abusinian
Date	Signature of physician

WSR 85-18-089 PROPOSED RULES BOARD OF PHARMACY

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning license fees, amending WAC 360-18-020;

that the agency will at 1:00 p.m., Thursday, October 17, 1985, in the Sacred Heart Medical Center, DeePaul Room, West 101 8th Avenue, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.64.005(4).

The specific statute these rules are intended to implement is RCW 18.64.040, 18.64.043, 18.64.045, 18.64.045, 046, 18.64.047, 18.64.050, 18.64.080 and 18.64.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 10, 1985.

Dated: September 3, 1985
By: Donald H. Williams
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: To increase certain license fees being charged by the board in order to generate sufficient revenue to cover the costs of issuing those licenses.

Summary: WAC 360-18-020 lists fees charged by the Washington State Board of Pharmacy.

Statutory Authority: RCW 18.64.005(4).

Reason Proposed: To increase certain license fees being charged by the board in order to generate sufficient revenue to cover the costs of issuing those licenses.

Responsible Board Personnel: In addition to the members of the Washington State Board of Pharmacy, the following board personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, Washington State Board of Pharmacy, W.E.A. Building, 319 East Seventh Avenue, Olympia, Washington 98504, phone (206) 753-6834 comm, 234-6834 scan.

Proponents: Washington State Board of Pharmacy.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 184 [193], filed 1/25/84 [2/22/85])

WAC 360-18-020 LICENSE FEES. ((Effective October 1, 1983, the)) The following license fees shall be charged by the board of pharmacy:

(a) PHARMACY LOCATION, CSA & PROPHYLACTIC

Certification of license status

to other states

Original pharmacy fee	((\$125.00))
<i>v</i>	165.00
Original pharmacy assistant	
utilization fee	((30.00))
attribution for	35.00
Denoval phormacy fee	((65.00))
Renewal pharmacy fee	85.00
	83.00
Renewal pharmacy assistant	((20.00))
utilization fee	((30.00))
	<u>35.00</u>
Penalty pharmacy fee	((130:00))
	<u>165.00</u>
(1)	
(b) VENDOR	((20.00))
Original fee	((20.00))
	40.00
Renewal fee	((20.00))
	<u>40.00</u>
Penalty fee	((20.00))
•	40.00
(c) PHARMACIST	
Exam fee (full exam)	((100.00))
	125.00
Reexamination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee, active and inactive license	((50.00))
	65.00
Penalty fee	((50.00))
Tellalty fee	65.00
Designation for	
Reciprocity fee	((200.00))
	250.00

10.00

(d) SHOPKEEPER (i) SHOPKEEPER – sixteen or more drugs	10.00	Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.
Original fee Renewal fee Penalty fee	10.00 10.00 5.00	Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicat-
(ii) SHOPKEEPER – with differential hours Original fee	10.00	ed by the use of these markings.
Renewal fee	10.00	
Penalty fee	5.00	
(e) DRUG MANUFACTURER		WSR 85-18-090
Original fee	((175.00))	EMERGENCY RULES
Denound for	250.00	BOARD OF PHARMACY
Renewal fee	((175.00)) 250.00	[Order 195—Filed September 4, 1985]
Penalty fee	$((\frac{175.00}{1}))$	
	<u>250.00</u>	Be it resolved by the Washington State Board of
(f) DRUG WHOLESALER - full line		Pharmacy, acting at Olympia, Washington 98504, that
Original fee	((175.00))	it does adopt the annexed rules relating to license fees,
Renewal fee	<u>250.00</u> ((175.00))	WAC 360-18-020.
Renewal lee	250.00	We, the Washington State Board of Pharmacy, find
Penalty fee	((175.00))	that an emergency exists and that this order is necessary
	<u>250.00</u>	for the preservation of the public health, safety, or gen-
(g) DRUG WHOLESALER - OTC only		eral welfare and that observance of the requirements of
Original fee	((125:00))	notice and opportunity to present views on the proposed
Renewal fee	150.00 ((125.00))	action would be contrary to public interest. A statement
	150.00	of the facts constituting the emergency is this rule is
Penalty fee	$((\frac{125.00}{1.00}))$	adopted as an emergency rule so that the fees adopted
	150.00	can be in effect for the next licensing cycle, beginning
(h)DRUG WHOLESALER -export	((155.00))	October 1, 1985.
Original fee	((175.00)) 250.00	These rules are therefore adopted as emergency rules
Renewal fee	((175.00))	to take effect upon filing with the code reviser.
	250.00	This rule is promulgated pursuant to RCW 18.64.005
Penalty	((175.00))	and is intended to administratively implement that statute.
	<u>250.00</u>	The undersigned hereby declares that the agency has
(i) PHARMACY ASSISTANT - Level "A"	((30.00))	complied with the provisions of the Open Public Meet-
Original fee	((20.00)) 30.00	ings Act (chapter 42.30 RCW), the Administrative Pro-
Renewal fee	((15.00))	cedure Act (chapter 34.04 RCW), and the State
	<u>20.00</u>	Register Act (chapter 34.08 RCW) in the adoption of
(j) PHARMACY INTERN		these rules.
Original registration fee	((10.00))	APPROVED AND ADOPTED August 30, 1985.
Renewal registration fee	15.00 ((10.00))	By Donald H. Williams
	20.00	Executive Secretary
(k) CONTROLLED SUBSTANCES ACT (CSA)		·
REGISTRATIONS		AMENDATORY SECTION (Amending Order 184
Dispensing registration fee (i.e.	25.00	[193], filed 1/25/84 [2/22/85])
pharmacies) Dispensing renewal fee (i.e.	35.00	WAC 360-18-020 LICENSE FEES. Effective Oc-
pharmacies)	30.00	tober 1, 1983, the following fees shall be charged by the
Distributors registration fee (i.e.	50.00	board of pharmacy:
wholesalers) Distributors renewal fee (i.e.	50.00	•
wholesalers)	50.00	(a) PHARMACY LOCATION, CSA & PROPHYLACTIC
Manufacturers registration fee	50.00	Original pharmacy fee \$125.00 Original pharmacy assistant
Manufacturers renewal fee Physician((¹s)) assistant registration fee	50.00 15.00	utilization fee 30.00
Physician((3)) assistant registration rec Physician((3)) assistant renewal fee	10.00	Renewal pharmacy fee 65.00
CRN with prescriptive authorization		Renewal pharmacy assistant
registration fee	15.00	utilization fee 30.00
CRN with prescriptive authorization renewal fee	10.00	Penalty pharmacy fee 130.00
Sodium pentobarbital for animal		
euthanization registration fee	((15.00))	(b) VENDOR
Sodium pentobarbital for animal	<u>20.00</u>	Original fee 20.00 Renewal fee 20.00
euthanization renewal fee	((10.00))	Renewal fee 20.00 Penalty fee 20.00
	<u>15.00</u>	20.00 Zonany 100 Zonany

(a) avvi pres even	
(c) PHARMACIST Exam fee (full exam)	100.00
Reexamination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee, active and inactive license	50.00
Penalty fee	50.00
Reciprocity fee	200.00
Certification of license status	
to other states	10.00
to other states	10.00
(d) SHOPKEEPER	
(i) SHOPKEEPER – sixteen or more drugs	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
reliaity lee	5.00
(ii) SHOPKEEPER – with differential hours	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
Tenanty rec	5.00
(e) DRUG MANUFACTURER	
	((175.00))
G	250.00
Renewal fee	$((\frac{175.00}{1}))$
Reliewal Ice	250.00
Penalty fee	$((\frac{175.00}{)})$
	<u>250.00</u>
(f) DRUG WHOLESALER - full line	
	((175.00))
Original fee	
	250.00
Renewal fee	((175.00))
	<u>250.00</u>
Penalty fee	((175.00))
•	250.00
(g) DRUG WHOLESALER - OTC only	//4 6 5 00\\
Original fee	((125.00))
	<u>150.00</u>
Renewal fee	((125.00))
	`` <u>150.00</u>
Penalty fee	$((\frac{125.00}{}))$
Tenanty fee	150.00
	150.00
(h) DRUG WHOLESALER -export	
Original fee	((175.00))
0.1.6	<u>250.00</u>
Renewal fee	((175.00))
Reliewal lee	250.00
Penalty	((175.00))
	<u>250.00</u>
(i) PHARMACY ASSISTANT – Level "A"	
Original fee	((20.00))
Original fee	30.00
D 1 C	((15.00))
Renewal fee	
	<u>20.00</u>
(j) PHARMACY INTERN	
Original registration fee	((10.00))
Original registration for	15.00
Danawal magistration for	((10.00))
Renewal registration fee	
	<u>15.00</u>

(k) CONTROLLED SUBSTANCES ACT (CSA)	
REGISTRATIONS	
Dispensing registration fee (i.e.	
pharmacies)	35.00
Dispensing renewal fee (i.e.	
pharmacies)	30.00
Distributors registration fee (i.e.	
wholesalers)	50.00
Distributors renewal fee (i.e.	
wholesalers)	50.00
Manufacturers registration fee	50.00
Manufacturers renewal fee	50.00
Physician((-s)) assistant registration fee	15.00
Physician((-s)) assistant renewal fee	10.00
CRN with prescriptive authorization	
registration fee	15.00
CRN with prescriptive authorization	
renewal fee	10.00
Sodium pentobarbital for animal	
euthanization registration fee	((15.00))
	<u> 20.00</u>
Sodium pentobarbital for animal	
euthanization renewal fee	((10.00))
	<u>15.00</u>

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 85-18-091 ADOPTED RULES BOARD OF PHARMACY

[Order 196-Filed September 4, 1985]

Be it resolved by the Washington State Board of Pharmacy, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

New	WAC 360-36-411	Adding MPPP to Schedule I.
New	WAC 360-36-412	Adding PEPAP to Schedule I.
New	WAC 360-36-413	Adding MDMA to Schedule I.
New	WAC 360-36-451	Adding buprenorphine to Schedule V.
Amd	WAC 360-32-050	Identification of legend drugs for pur-
		poses of chapter 69.41 RCW.

This action is taken pursuant to Notice No. WSR 85-15-102 filed with the code reviser on July 24, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.64.005 and 69.44.075 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 30, 1985.

By Donald H. Williams Executive Secretary

NEW SECTION

WAC 360-36-411 ADDING MPPP TO SCHED-ULE I. The Washington State Board of Pharmacy finds that 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision, and hereby places that substance in Schedule I.

NEW SECTION

WAC 360-36-412 ADDING PEPAP TO SCHED-ULE I. The Washington State Board of Pharmacy finds that 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP) has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision, and hereby places that substance in Schedule I.

NEW SECTION

WAC 360-36-413 ADDING MDMA TO SCHEDULE I. The Washington State Board of Pharmacy finds that 3,4-methylenedioxymethamphetamine (MDMA) has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision, and hereby places that substance in Schedule I.

NEW SECTION

WAC 360-36-451 ADDING BUPRENORPHINE TO SCHEDULE V. The Washington State Board of Pharmacy finds that buprenorphine has a low potential for abuse relative to substances in Schedule IV; has currently accepted medical use in treatment in the United States; and the substance has limited physical dependence or psychological dependence liability relative to the substances in Schedule IV, and hereby places that substance in Schedule V.

AMENDATORY SECTION (Amending Order PL 176, filed 9/29/83)

WAC 360-32-050 IDENTIFICATION OF LEGEND DRUGS FOR PURPOSES OF CHAPTER 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the food and drug administration, pursuant to the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

- (2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the 1985-86 ((1983-84)) edition of the American Druggist Blue Book. Copies of the list of legend drugs as contained in the American Druggist Blue Book shall be available for public inspection at the headquarters office of the State Board of Pharmacy, 319 East 7th Avenue, Olympia, Washington 98504. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of \$20 per copy.
- (3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. Such determinations will be made after public hearing and will be published as an amendment to this chapter.

WSR 85-18-092 PROPOSED RULES LIQUOR CONTROL BOARD

[Filed September 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 314-20-100 Beer wholesale price posting.

Amd WAC 314-20-105 Beer suppliers' price filings, contracts and memoranda;

that the agency will at 9:30 a.m., Wednesday, October 9, 1985, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.08.030 [(2)](r).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1985.

Dated: September 4, 1985

By: Robert D. Hannah

Member of the Board

STATEMENT OF PURPOSE

Title: WAC 314-20-100 Beer wholesale price posting; and 314-20-105 Beer suppliers' price filing contracts and memoranda.

Description of Purpose: To change the time posting requirements for beer to be the same as the time posting requirements for wine.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.030 [(2)](r).

Summary of Rule: The current rule lists the filing deadlines and exceptions for the posting of beer prices by wholesalers and suppliers. The change proposed would move the required filing dates from the 15th of the month with a five-day grace period for beer suppliers to the 25th of each month with a grace period extending to the first of the subsequent month for beer suppliers. The filing date for beer wholesalers would change from the current 1st of each month with a fiveday grace period to the 10th of each month with a fiveday grace period. The effective date of beer suppliers price postings would be changed from the 15th of the month following their postings to the 1st of the second month following their posting. The effective date of the beer wholesalers price postings would be changed from the 15th of the month when posted to the 1st of the month following the posting.

Reason Supporting Proposed Action: The rule amendments will establish more convenient dates for industry filing of price posting information by making the deadlines the same for beer and wine. There will be no additional work for agency personnel as a result of these amendments.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282.

Person or Organization Proposing Rule: These rule amendments were proposed as a result of a petition filed by the Washington Beer and Wine Wholesalers Association.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for this rule.

AMENDATORY SECTION (Amending Order 91, Resolution No. 100, filed 8/2/82)

WAC 314-20-100 BEER WHOLESALE PRICE POSTING. (1) Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the ((first)) tenth day of the month, and if approved will become effective on the ((fifteenth)) first day of the ((same)) calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the ((fifteenth)) fifteenth day of the month in order to become effective on the ((fifteenth)) first day of the ((same)) next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

- (3) Filing date exception—Whenever the ((first)) tenth day of the month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.
- (4) In the event that a beer wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a beer wholesaler elects to file postings listing selected items on which prices are temporarily reduced for one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

- (5) Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:
- (a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.
- (b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.
- (6) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.
- (7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.
- (8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.
- (9) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with WAC 314-20-105, is terminated by either party, and a new titten contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105.
- (10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.
- (11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.
- (12) Any beer wholesaler or employee authorized by his wholesaleremployer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.
- (a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such

beer to be disposed of in any manner except as authorized by his license

- (b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery.
- (13) When a new beer wholesaler's license is issued by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105.

AMENDATORY SECTION (Amending Order 91, Resolution No. 100, filed 8/2/82)

WAC 314-20-105 BEER SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA. (1) Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items, all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances and incentive programs; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised contracts or memoranda shall forthwith be filed with the board as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of beer offered for sale by such licensed brewer; all additional information required may be filed as a supplement to said price schedule forms.

- (2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the ((fifteenth)) twenty-fifth day of the month, and if approved will become effective on the ((fifteenth)) first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the ((twentieth)) first day of the month in order to become effective on the ((fifteenth)) first day of the following month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.
- (a) When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it, or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.
- (b) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in WAC 314-20-100 (9) and (13).
- (3) Filing date exception—Whenever the ((fifteenth)) twenty-fifth day of the month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.
- (4) In the event that a brewer determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a licensed brewer elects to file postings listing selected items on which prices are temporarily reduced for a period of one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Prices filed by a licensed brewer shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below "cost," or below "cost of doing business," or a "loss

leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.

- (6) No licensed brewer shall sell or offer to sell any beer to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.
- (7) No licensed brewer shall sell or offer to sell any package or container of beer to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer and then in effect.
- (8) The provisions set forth in the foregoing subsections of this regulation shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by every certificate of approval holder who sells beer to a beer importer, every beer importer who sells beer to another beer importer or to a beer wholesaler, and every beer wholesaler who sells beer to another beer wholesaler: PRO-VIDED, That the provisions of this subsection shall not apply, and filings will not be required in the instance of beer wholesalers making accommodation sales to other beer wholesalers when such sales are made at a selling price not to exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the wholesaler purchasing the beer is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.
- (9) Holders of certificates of approval may ship beer into this state when the beer has been sold and consigned to the holder of a beer importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another beer importer, and the board so notified immediately.
- (10) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any such price filing, contract or memorandum the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected, the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.
- (11) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

KEY TO TABLE

Symbols:

AMD = Amendment of existing section

NEW = New section not previously codified

OBJEC = Notice of objection by Joint Administrative Rules

Review Committee

RE-AD = Readoption of existing section

REP = Repeal of existing section

REAFF = Order assuming and reaffirming rules

RESCIND = Rescind previous emergency rule

REVIEW = Review of previously adopted rule

STMT = Statement regarding previously adopted rule

Suffixes:

-P = Proposed action

-C = Continuance of previous proposal

-E = Emergency action

-W = Withdrawal of proposed action

No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

						· · · · · · · · · · · · · · · · · · ·		
WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-040	AMD-P	85-02-066	164203001	REP	85-15-024	16-231-613	NEW	85-07-029
4-25-040	AMD-C	85-06-008	16-42-035	AMD-P	85-09-061	16-231-615	AMD-P	85-03-101
4-25-040	AMD-C	85-06-054	16-42-035	AMD-W	85-10-020	16-231-615	AMD	85-07-029
4-25-040	AMD-E	85-17-032	16-42-035	AMD	85-15-024	16-304-040	AMD-P	85-06-051
4-25-040	AMD-E	85-17-074	16-42-04001	REP-P	85-09-061	16-304-040	AMD	85-11-003
4-25-140	AMD-P	85-02-066	16-42-04001	REP-W	85-10-020	16-316-0601	AMD-P	85-06-052
4-25-140	AMD-C	85-06-008	16-42-04001	REP	85-15-024	16-316-0601	AMD	85-11-004
4-25-140	AMD-C	85-06-054	16-42-045	REP-P	85-09-061	16-316-215	AMD-P	85-06-052
4-25-140	AMD	85-11-013	16-42-045	REP-W	85-10-020	16-316-215	AMD	85-11-004
4-25-260	REP-P	85-02-066	16-42-045	REP	85-15-024	16-316-230	AMD-P	85-06-052
4-25-260	REP-C	85-06-008	16-42-05001	REP-P	85-09-061	16-316-230	AMD	85-11-004
4-25-260	REP-C	85-06-054	16-42-05001	REP-W	85-10-020	16-316-270	AMD-P	85-06-052
10-04-020	AMD-P	85-13-003	16-42-05001	REP	85-15-024	16-316-270	AMD	85-11-004
10-04-020	AMD-C	85-14-013	16-42-060	NEW-P	85-09-061	16-316-315	AMD-E	85-13-035
10-04-020	AMD-C	85-17-011	16-42-060	NEW-W	85-10-020	16-316-327	AMD-P	85-06-052
10-08-040	AMD-P	85-13-003	16-42-060	NEW	85-15-024	16-316-327	AMD	85-11-004
10-08-040	AMD-C	85-14-013	16-228	AMD-C	85-16-075	16-316-350	AMD-P	85-06-052
10-08-040	AMD-C	85-17-011	16-228-010	AMD-P	85-13-052	16-316-350	AMD	85-11-004
10-08-150	NEW-P	85-13-003	16-228-010	AMD	85-17-044	16-316-440	AMD-P	85-06-052
10-08-150	NEW-C	85-14-013	16-228-235	AMD-P	85-13-052	16-316-440	AMD	85-11-004
10-08-150	NEW-C	85-17-011	16-228-235	AMD	85-17-044	16-316-474	AMD-P	85-06-052
10-08-160	AMD-P	85-13-003	16-228-240	REP-P	85-13-052	16-316-474	AMD	85-11-004
10-08-160	AMD-C	85-14-013	16-228-240	REP	85-17-044	16-316-635	AMD-P	85-11-081
10-08-160	AMD-C	85-17-011	16-228-245	AMD-P	85-13-052	16-316-635	AMD	85-14-093
16-42	AMD-C	85-03-061	16-228-245	AMD	85-17-044	16-316-660	AMD-P	85-06-052
16-42	AMD-C	85-12-025	16-228-250	AMD-P	85-13-052	16-316-660	AMD	85-11-004
16-42	AMD-C	85-13-047	16-228-250	AMD	85-17-044	16-316-724	AMD-P	85-06-052
16-42-00101	REP-P	85-09-061	16-228-255	AMD-P	85-13-052	16-316-724	AMD	85-11-004
16-42-00101	REP-W	85-10-020	16-228-255	AMD	8517044	16-316-800	AMD-P	85-06-052
16-42-00101	REP	85-15-024	16-228-260	AMD-P	85-13-052	16-316-800	AMD	85-11-004
16-42-005	NEW-P	85-09-061	16-228-260	AMD	85-17-044	16-316-820	AMD-P	85-06-052
16-42-005	NEW-W	85-10-020	16-228-265	AMD-P	85-13-052	16-316-820	AMD	85-11-004
16-42-005	NEW	85-15-024	16-228-265	AMD	85-17-044	16-316-830	AMD-P	85-06-052
16-42-01001	REP-P	85-09-061	16-228-270	REP-P	85-13-052	16-316-830	AMD	85-11-004
16-42-01001	REP-W	85-10-020	16-228-270	REP	85-17-044	16-316-906	AMD-P	85-07-058
16-42-01001	REP	85-15-024	16-228-275	AMD-P	85-13-052	16-316-906	AMD	85-11-002
16-42-015	AMD-P	85-09-061	16-228-275	AMD	85-17-044	16-316-911	AMD-P	85-07-058
16-42-015	AMD-W	85-10-020	16-228-280	REP-P	85-13-052	16-316-911	AMD	85-11-002
16-42-015	AMD	85-15-024	16-228-280	REP	85-17-044	16-316-921	AMD-P	85-07-058
16-42-017	NEW-P	85-09-061	16-228-285	REP-P	85-13-052	16-316-921	AMD	85-11-002
16-42-017	NEW-W	85-10-020	16-228-285	REP	85-17-044	16-316-945	NEW-P	85-07-058
16-42-017	NEW	85-15-024	16-230	AMD-C	85-17-043	16-316-945	NEW	85-11-002
16-42-02001	REP-P	85-09-061	16-230-190	AMD-P	85-07-062	16-316-950	NEW-P	85-07-058
16-42-02001	REP-W	85-10-020	16-230-190	AMD-C	85-10-057	16-316-950	NEW	85-11-002
16-42-02001	REP	85-15-024	16-230-190	AMD-C	85-11-052	16-316-955	NEW-P	85-07-058
16-42-022	NEW-P	85-09-061	16-230-190	AMD	85-12-012	16-316-955	NEW	85-11-002
16-42-022	NEW-W	85-10-020	16-230-190	AMD-P	85-14-092	16-316-960	NEW-P	85-07-058
16-42-022	NEW	85-15-024	16-230-190	AMD-E	85-17-065	16-316-960	NEW	85-11-002
16-42-025	AMD-P	85-09-061	16-230-190	AMD	85-17-066	16-322-010	AMD-P	85-11-082
16-42-025	AMD-W	85-10-020	16-231	AMD-C	85-06-042	16-322-010	AMD	85-15-017
16-42-025	AMD	85-15-024	16-231-413	NEW-P	85-03-101	16-322-012	AMD-P	85-11-082
16-42-03001	REP-P	85-09-061	16-231-413	NEW	85-07-029	16-322-012	AMD	85-15-017
16-42-03001	REP-W	85-10-020	16-231-613	NEW-P	85-03-101	16-322-015	AMD-P	85-11-082
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-322-015	AMD	85-15-017	16–470–120	AMD-P	85-11-084	16–750–010	AMD-P	85-03-102
16-322-020	REP-P	85-11-082	16-470-120	AMD-E	85-11-087	16-750-010	AMD	85-07-003
16-322-020 16-322-025	REP AMD–P	85-15-017	16-470-120	AMD	85-15-007	50-12-010	REP-P	85-16-116
16-322-025	AMD-P AMD	85-11-082 85-15-017	16-470-200 16-470-200	NEW-P NEW-E	85-11-083 85-11-088	50-12-040	AMD-P	85-16-116
16-322-025	AMD-P	85-11-082	16-470-200	NEW-E	85-15-088 85-15-008	50-12-050 50-12-050	AMD-E	85-16-030
16-322-035	AMD	85-15-017	16-470-210	NEW-P	85-11-083	50-12-100	AMD-P NEW-P	85-16-116 85-16-116
16-322-040	AMD-P	85-11-082	16-470-210	NEW-E	85-11-088	50-12-110	NEW-P	85–16–116 85–16–116
16-322-040	AMD	85-15-017	16-470-210	NEW	85-15-008	50-16-030	AMD-P	85–16–055
16-322-045	AMD-P	85-11-082	16-470-220	NEW-P	85-11-083	50-20-010	AMD-P	85-16-056
16-322-045	AMD	85-15-017	16-470-220	NEW-E	85-11-088	50-20-050	AMD-E	85-15-074
16-354-005 16-354-005	AMDP AMD	85-11-079 85-15-046	16-470-220 16-470-230	NEW	85-15-008	50-20-050	AMD-P	85-16-056
16-354-003	AMD-P	85–13–046 85–11–079	16-470-230	NEW-P NEW-E	85-11-083 85-11-088	50-20-055 50-20-055	AMD-E	85-15-074
16-354-010	AMD	85-15-046	16-470-230	NEW	85-15-008	50-20-090	AMD-P NEW-E	85-16-056 85-15-074
16-354-020	AMD-P	85-11-079	16-470-300	NEW-P	85-11-085	50-20-090	NEW-P	85-16-056
16-354-020	AMD	85-15-046	16-470-300	NEW-W	85-14-072	50-24-100	AMD-P	85-16-116
16-354-030	AMD-P	85-11-079	16-470-300	NEW-P	85-15-054	50-44-030	AMD-P	85-16-116
16-354-030 16-354-040	AMD AMD-P	8515046 8511079	16-470-310	NEW-P	85-11-085	50-48-020	AMD-P	85-16-116
16-354-040	AMD-F AMD	85-15-046	16-470-310 16-470-310	NEW-W NEW-P	85-14-072 85-15-054	51-10	AMD-P	85-02-055
16-354-050	AMD-P	85-11-079	16-470-320	NEW-P	85-11-085	51-10 51-10	AMD AMD	85–03–095 85–07–036
16-354-050	AMD	85-15-046	16-470-320	NEW-W	85-14-072	51-12-100	NEW-P	85–18–068
16-354-070	AMD-P	85-11-079	16-470-320	NEW-P	85-15-054	51-12-101	NEW-P	85-18-068
16-354-070	AMD	85-15-046	16-470-330	NEW-P	85-11-085	51-12-102	NEW-P	85-18-068
16-354-080	REP-P	85-11-079	16-470-330	NEW-W	85-14-072	51-12-103	NEW-P	85-18-068
16-354-080 16-354-090	REP NEW-P	85-15-046 85-11 - 079	16-470-330 16-470-340	NEW-P NEW-P	85-15-054	51-12-104	NEW-P	85-18-068
16-354-090	NEW	85-15-046	16-470-340	NEW-P	85-11-085 85-14-072	51-12-105 51-12-106	NEW-P NEW-P	85-18-068
16-354-100	NEW-P	85-11-079	16-470-340	NEW-P	85–15–054	51-12-106	NEW-P	85-18-068 85-18-068
16-354-100	NEW	85-15-046	16-470-400	NEW-P	85-17-019	51-12-108	NEW-P	85-18-068
16-400-007	NEW-P	85-03-089	16-470-410	NEW-P	85-17-019	51-12-109	NEW-P	85-18-068
16-400-007	NEW	85-06-029	16-470-420	NEW-P	85-17-019	51-12-110	NEW-P	85-18-068
16-400-020 16-400-020	REP-P REP	85-03-089 85-06-029	16-470-430	NEW-P	85-17-019	51-12-200	NEW-P	85-18-068
16-409-015	AMD-P	85-03-090	16-470-440 16-514-010	NEW-P NEW-P	85-17-019 85-14-103	51-12-201 51-12-202	NEW-P NEW-P	85-18-068
16-409-015	AMD	85-07-028	16-514-020	NEW-P	85-14-103	51-12-202	NEW-P	85-18-068 85-18-068
16-409-020	AMD-P	85-03-090	16-514-030	NEW-P	85-14-103	51-12-204	NEW-P	85-18-068
16-409-020	AMD	85-07-028	16-514-040	NEW-P	85-14-103	51-12-205	NEW-P	85-18-068
16-409-030	AMD-P	85-03-090	16-514-041	NEW-P	85-14-103	51-12-206	NEW-P	85-18-068
16-409-030 16-409-035	AMD AMD–P	85–07–028 85–03–090	16-514-050 16-514-060	NEW-P NEW-P	85-14-103 85-14-103	51-12-207	NEW-P	85-18-068
16-409-035	AMD-I	85-07-028	16-514-070	NEW-P	85-14-103 85-14-103	51-12-208 51-12-209	NEW-P NEW-P	85-18-068 85-18-068
16-409-060	AMD-P	85-03-090	16-514-080	NEW-P	85-14-103	51-12-210	NEW-P	85-18-068
16-409-060	AMD	85-07-028	16-529-030	AMD	85-10-015	51-12-211	NEW-P	85-18-068
16-409-065	AMD-P	85-03-090	16-530-010	NEW	85-11-089	51-12-212	NEW-P	85-18-068
16-409-065 16-409-070	AMD AMD–P	85-07-028 85-03-090	16-530-020	NEW NEW	85-11-089	51-12-213	NEW-P	85-18-068
16-409-070	AMD-I	85-07-028	16-530-030 16-530-040	NEW	85-11-089 85-11-089	51-12-214	NEW-P	85-18-068
16-409-075	AMD-P	85-03-090	16-530-050	NEW	85-11-089	51-12-215 51-12-216	NEW-P NEW-P	85-18-068 85-18-068
16-409-075	AMD	85-07-028	16-530-060	NEW	85-11-089	51-12-217	NEW-P	85–18 – 068
16-409-085	AMD-P	85-03-090	16-555-010	NEW-P	85-05-038	51-12-218	NEW-P	85-18-068
16-409-085	AMD	85-07-028	16-555-010	NEW	85-11-030	51-12-219	NEW-P	85-18-068
16-409-120 16-409-120	REPP REP	85-03-090 85-07-028	16-555-020 16-555-020	NEW-P NEW	85-05-038	51-12-220	NEW-P	85-18-068
16-426-001	REP-P	85-11-080	16-555-030	NEW-P	85-11-030 85-05-038	51-12-221 51-12-222	NEW-P NEW-P	85-18-068 85-18-068
16-426-001	REP	85-15-047	16-555-030	NEW	85-11-030	51-12-223	NEW-P	85-18-068
16-426-005	REP-P	85-11-080	16-555-040	NEW-P	85-05-038	51-12-300	NEW-P	85-18-068
16-426-005	REP	85-15-047	16-555-040	NEW	85-11-030	51-12-301	NEW-P	85-18-068
16-426-010	REP-P	85-11-080	16-555-041	NEW-P	85-05-038	51-12-302	NEW-P	85-18-068
16-426-010 16-426-015	REP REP-P	85-15-047 85-11-080	16-555-041 16-555-050	NEW NEW-P	85-11-030 85-05-038	51-12-303	NEW-P	85-18-068
16-426-015	REP	85-15-047	16-555-050	NEW-F	85-11-030	51-12-304 51-12-305	NEW-P NEW-P	85-18-068 85-18-068
16-426-020	REP-P	85-11-080	16-555-060	NEW-P	85-05-038	51-12-306	NEW-P	85-18-068
16-426-020	REP	85-15-047	16-555-060	NEW	85-11-030	51-12-400	NEW-P	85-18-068
16-470-010	AMD-P	85-11-086	16-555-070	NEW-P	85-05-038	51-12-401	NEW-P	85-18-068
16-470-010	AMD–E AMD	85-11-087 85-15-006	16-555-070	NEW D	85-11-030	51-12-402	NEW-P	85-18-068
16–470–010 16–470–015	AMD-P	85-15-006 85-11-084	16-555-080 16-555-080	NEW-P NEW	85-05-038 85-11-030	51-12-403	NEW-P	85-18-068
16-470-015	AMD-F	85-11-087	16-560-06001	AMD-P	85-02-054	51-12-404 51-12-405	NEW-P NEW-P	85-18-068 85-18-068
16-470-015	AMD	85-15-007	16-560-06001	AMD	85-10-005	51-12-406	NEW-P	85-18-068
16-470-100	AMD-P	85-11-084	16-565-010	AMD-P	85-11-078	51-12-407	NEW-P	85-18-068
16-470-100	AMD-E	85-11-087	16-565-010	AMD	85-15-018	51-12-408	NEW-P	85-18-068
16-470-100 16-470-110	AMD AMD–P	85-15-007 85-11-084	16-565-020	AMD-P	85-11-078	51-12-409	NEW-P	85-18-068
16-470-110	AMD-P AMD-E	85-11-084 85-11-087	16-565-020 16-666-140	AMD NEW-P	85-15-018 85-10-051	51-12-410 51-12-411	NEW-P	85-18-068
16-470-110	AMD	85–15–007	16-666-140	NEW-W	85-12-053	51-12-411 51-12-412	NEW-P NEW-P	85-18-068 85-18-068
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-12-413	NEW-P	85-18-068	67-35-350	AMD	85-18-048	106-120-006	NEW	85-07-032
51-12-414	NEW-P	8518068	67-35-460	AMD-P	85-15-075	106-120-007	NEW-P	85–03–086 85–07–032
51-12-415	NEW-P	85-18-068	67-35-460 67-35-520	AMD AMD–P	85-18-048 85-15-075	106-120-007 106-120-010	NEW REP-P	85-03-086
51-12-416 51-12-417	NEW-P NEW-P	85–18–068 85–18–068	67-35-520 67-35-520	AMD-P AMD	85–13–073 85–18–048	106-120-010	REP	85-07-032
51-12-418	NEW-P	85-18-068	67-45-010	REP-E	85-09-039	106-120-011	REP-P	85-03-086
51-12-419	NEW-P	85-18-068	67-45-010	REP-E	85-15-044	106-120-011	REP	85-07-032
51-12-420	NEW-P	85-18-068	67-45-010	REP-P	85-15-076	106-120-013	REP-P REP	85–03–086 85–07–032
51-12-421 51-12-422	NEW-P NEW-P	85–18–068 85–18–068	67–45–010 67–45–020	REP REP-E	85–18–047 85–09–039	106-120-013 106-120-020	REP-P	85–03–086
51-12-422	NEW-P	85-18-068	67-45-020	REP-E	85-15-044	106-120-020	REP	85-07-032
51-12-424	NEW-P	85-18-068	67-45-020	REP-P	85-15-076	106-120-021	NEW-P	85-03-086
51-12-425	NEW-P	85-18-068	67-45-020	REP	85-18-047	106-120-021	NEW	85-07-032
51-12-426	NEW-P NEW-P	85–18–068 85–18–068	67–45–030 67–45–030	REP-E REP-E	85-09-039 85-15-044	106-120-022 106-120-022	NEW-P NEW	85–03–086 85–07–032
51-12-500 51-12-501	NEW-P	85-18-068	67-45-030	REP-P	85-15-076	106-120-023	NEW-P	85-03-086
51-12-502	NEW-P	85-18-068	67-45-030	REP	85-18-047	106-120-023	NEW	85-07-032
51-12-503	NEW-P	85-18-068	67-45-040	REP-E	85-09-039	106-120-024	NEW-P	85-03-086
51-12-504	NEW-P	8518068 8518068	67-45-040 67-45-040	REP-E REP-P	85-15-044 85-15-076	106-120-024 106120-025	NEW NEW-P	85–07–032 85–03–086
51-12-505 51-12-506	NEW-P NEW-P	85-18-068	67-45-040	REP-F	85-18-047	106-120-025	NEW	85-07-032
51-12-507	NEW-P	85-18-068	67-45-045	REP-E	85-09-039	106-120-026	NEW-P	85-03-086
51-12-600	NEW-P	85-18-068	67-45-045	REP-E	85-15-044	106-120-026	NEW	85-07-032
51-12-601	NEW-P	85-18-068	67–45–045	REP-P REP	85-15-076 85-18-047	106-120-027 106-120-027	NEW-P NEW	85–03–086 85–07–032
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51-12-604	NEW-P	85-18-068	67-45-050	REP-E	85-15-044	106-120-028	NEW	85-07-032
51-12-605	NEW-P	85-18-068	67-45-050	REP-P	85-15-076	106-120-030	REP-P	85-03-086
51-12-606	NEW-P	85-18-068	67-45-050	REP	85-18-047	106-120-030 106-120-031	REP REP-P	85–07–032 85–03–086
5112607 5112608	NEW-P NEW-P	85-18-068 85-18-068	67–45–060 67–45–060	REP-E REP-E	8509039 8515044	106-120-031	REP-F	85–03–030 85–07–032
51-16-010	NEW-P	85-18-058	67-45-060	REP-P	85-15-076	106-120-032	REP-P	85-03-086
51-16-020	NEW-P	85-18-058	67-45-060	REP	85-18-047	106-120-032	REP	85-07-032
51-16-030	NEW-P	85-18-058	67-45-070	REP-E	85-09-039	106-120-033	NEW-P	85-03-086 85-07-032
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51-16-060	NEW-P	85-18-058	67-45-070	REP	85-18-047	106-120-040	REP	85-07-032
51-16-070	NEW-P	85-18-058	67-45-075	REP-E	85-09-039	106-120-041	REP-P	85-03-086
67-25-005	AMD-P	85-03-081	67-45-075	REP-E	85-15-044	106-120-041	REP REP-P	85-07-032 85-03-086
67-25-005 67-25-180	AMD REP–E	85-06-030 85-13-023	67–45–075 67–45–075	REP-P REP	8515076 8518047	106-120-042 106-120-042	REP	85-07-032
67-25-180	REP-P	85-15-077	82-50-021	AMD-P	85-13-068	106-120-043	REP REP-P	85-03-086
67-25-180	REP	85-18-046	82-50-021	AMD	85-16014	106-120-043	REP	85-07-032
67-25-185	REP-E	85-13-023	98-40-010	NEW-P	85-14-108 85-14-108	106-120-050 106-120-050	REP-P	85–03–086 85–07–032
67-25-185 67-25-185	REP-P REP	85-15-077 85-18-046	98-40-020 98-40-030	NEW-P NEW-P	85-14-108 85-14-108	106-120-051	REP REP-P	85–03–086
67-25-190	REP-E	85-13-023	98-40-040	NEW-P	85-14-108	106-120-051	REP	85-07-032
67-25-190	REP-P	85-15-077	98-40-050	NEW-P	85-14-108	106-120-053	REP-P	85-03-086
67-25-190	REP	85-18-046	98-40-060	NEW-P	85-14-108 85-14-108	106-120-053 106-120-055	REP REPP	85-07-032 85-03-086
67–25–200 67–25–200	REP-E REP-P	8513023 8515077	98–40–070 98–40–080	NEW-P NEW-P	85-14-108 85-14-108	106-120-055	REP	85-07-032
67-25-200	REP	85–18–046	98-70-010	AMD-P	85-14-108	106-120-056	REP-P	85-03-086
67-25-257	NEW-P	85-03-081	100-100-010	NEW	85-03-011	106-120-056	REP	85-07-032
67-25-257	NEW	85-06-030	100-100-020 100-100-030	NEW NEW	85-03-011 85-03-011	106-120-057 106-120-057	REP-P REP	85-03-086 85-07-032
67-25-360 67-25-360	AMD-P AMD	85-15-077 85-18-046	100-100-030	NEW	85–03–011 85–03–011	106-120-058	REP-P	85–03–086
67-25-420	AMD-P	85-03-081	100-100-050	NEW	85-03-011	106-120-058	REP	85-07-032
67-25-420	AMD	85-06-030	100-100-060	NEW	85-03-011	106-120-060 106-120-060	REP-P REP	85-03-086
67-35-070	AMD-P	85-15-075	100-100-070 100-100-070	NEW AMD-P	85-03-011 85-04-063	106-120-060	REP-P	85-07-032 85-03-086
67–35–070 67–35–100	AMD AMD–P	85-18-048 85-15-075	100-100-070	AMD-I	85-09-027	106-120-061	REP	85-07-032
67-35-100	AMD	85-18-048	100-100-075	NEW	85-09-027	106-120-062	REP-P	85-03-086
67-35-130	AMD-P	85-15-075	100-100-080	NEW	85-03-011	106-120-062	REP	85-07-032
67-35-130 67-35-140	AMD AMD–P	8518048 8515075	100-100-090 100-100-100	NEW NEW	85-03-011 85-03-011	106-120-064 106-120-064	REP-P REP	85–03–086 85–07–032
67-35-140	AMD-P	8518048	100-100-100	AMD-P	85-04-063	106-120-066	REP-P	85-03-086
67-35-160	AMD-P	85-15-075	106-120	AMD-P	85-03-086	106-120-066	REP	85-07-032
67-35-160	AMD-C	85-18-030	106-120	AMD	85-07-032	106-120-131	NEW-P	85-03-086
67-35-180	AMD-P	85-15-075	106-120-001 106-120-001	REP-P REP	85-03-086 85-07-032	106-120-131 106-120-132	NEW NEW-P	85–07–032 85–03–086
67-35-180 67-35-190	AMD AMD–P	85-18-048 85-15-075	106-120-001	NEW-P	85–07–032 85–03–086	106-120-132	NEW-F	85-07-032
67–35–190	AMD	85–18–048	106-120-003	NEW	85-07-032	106-120-143	NEW-P	85-03-086
67-35-280	AMD-P	85-15-075	106-120-004	NEW-P	85-03-086	106-120-143	NEW DED D	85-07-032
67-35-280	AMD B	85-18-048 85 15 075	106-120-004 106-120-005	NEW NEW-P	85-07-032 85-03-086	106-120-200 106-120-200	REP-P REP	85–03–086 85–07–032
67-35-310 67-35-310	AMD-P AMD	85-15-075 85-18-048	106-120-005	NEW-P	85-07-032	106-120-210	REP-P	85-03-086
67–35–350	AMD-P	85-15-075	106-120-006	NEW-P	85-03-086	106-120-210	REP	85-07-032

105-102-200 REP_	WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
106-130-230 REP	106-120-220	REP-P	85-03-086	120-06-090	RFP	85_15_013	1320-120-135	AMD	95 12 067
100-120-230 REP-R 8-0-008 120-06-100 REP-R 8-1-013 132C-120-145 AMD-R 8-1-067 100-120-240 REP-R 8-0-003 120-06-120 REP-R 8-1-041 132C-120-145 AMD-R 8-1-067 100-120-240 REP-R 8-0-003 120-06-120 REP-R 8-1-041 132C-120-145 AMD-R 8-1-067 100-120-240 REP-R 8-0-003 120-06-120 REP-R 8-1-041 132C-120-150 AMD-R 8-1-067 100-120-250 REP-R 8-1-041 132C-120-150 AMD-R 8-1-067 100-120-250 REP-R 8-1-041 132C-120-150 AMD-R 8-1-067 100-120-350 REP-R 8-1-040 REP-R 8-1-041 132C-120-150 REP-R 8-1-067 100-120-350 REP-R 8-1-040 REP-R 8-1		REP			REP-P				
100-120-230 REP_P 8-0-068 120-06-101 REP_P 8-1-041 132C-120-145 AMD-P 8-0-051 100-120-230 REP_P 8-0-068 120-06-120 REP_P 8-1-061 132C-120-145 AMD-P 8-0-051 100-120-230 REP_P 8-0-031 120-06-120 REP_P 8-1-061 132C-120-145 AMD-P 8-0-051 100-120-230 REP_P 8-0-031 120-06-120 REP_P 8-1-061 132C-120-155 REP_P 8-1-061 132C-120-165 REP_P 8-1-061 132C-120-1	106-120-230	REP-P		120-06-100	REP				
100-130-240 REP_P 8-0-036 120-06-100 REP 8-15-031 132C-120-145 AMD 8-15-067 100-120-250 REP_P 8-10-032 120-08-100 REP_P 8-10-032 REP_P 8-10-032 REP_P 8-10-032 REP_P 8-10-032 REP_P 8-10-032 REP_P R				120-06-110	REP-P				
106-120-290 REP- \$-0.003 120-06-120 REP- \$-0.003 132C-120-150 AMD-P \$-0.003 106-120-700 REP- \$-0.003 120-06-120-700 REP- \$-0.003 120-06-120-700 REP \$-0.003 120-06-120-70 REP \$-0.003 REP		REP-P				85-15-013		AMD	
106-120-250 REP	106-120-240	REP						AMD-P	85-07-051
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132L-30-050	AMD-P	85-16-087	132Y-140-104	REP-P	85-16-001	137-70-060	AMD	85-07-017
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192-12-157	REP-P	85-18-078	204-94-030	NEW-P	85-17-061	220-32-03000P	REP-E	85-07-002
192-26-010	NEW-E	85-14-056	204-94-040	NEW-P	85-17-061	220-32-03000Q	NEW-E	85-07-002
192-26-030 192-26-040	NEW-E NEW-E	85-14-056 85-14-056	204-94-050	NEW-P	85-17-061	220-32-03000R	NEW-E	85-14-005
192-26-040	NEW-E	85-14-056 85-14-056	220–12–020 220–12–020	AMD-P AMD-C	85-03-110 85-09-016	220-32-03000R	REP-E	85-14-022
192-26-100	NEW-E	85-14-056	220-12-020	AMD-C	85-09-016 85-09-017	220–32–03000S 220–32–04000W	NEW-E NEW-E	85-14-022 85-08-021
192-28-100	NEW-P	85-18-078	220-12-02000A	NEW-E	85-08-005	220-32-04000W	NEW-E	85–12–028
192-28-105	NEW-P	85-18-078	220-16-340	AMD-P	85-03-110	220-32-04200F	NEW-E	85-03-044
192-28-110	NEW-P	85-18-078	220–16–340	AMD-C	85-09-016	220-32-04200F	REP-E	85-06-014
192–28–115 192–28–120	NEW-P	85-18-078	220–16–340	AMD	85-09-017	220-32-04200G	NEW-E	85-06-014
192-28-120	NEW-P NEW-P	85-18-078 85-18-078	220–16–34000A 220–20–010	NEW-E AMD-P	85-08-005	220-32-04200G	REP-E	85-06-034
196-04-030	NEW	85-04-030	220-20-010	AMD-P	85-03-110 85-04-065	220-32-04200H 220-32-05100I	NEW-E NEW-E	85-06-034 85-08-001
19604040	NEW	85-04-030	220-20-010	AMD	85-08-023	220–32–05100J	NEW-E	85–14–005
204-66-010	REP-P	85-17-058	220-20-010	AMD-C	85-09-016	220-32-05100J	REP-E	85–14–003 85–14–022
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204–66–040 204–66–050	REP-P REP-P	85-17-058 85-17-058	220–20–01000K 220–20–016	NEW-E AMD-P	85-09-011	220-32-05100L	NEW-E	85-14-038
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204-66-140	REP-P	85-17-058	220-20-030	REP-C	85-13-031	220-32-055	AMD	85-18-027
204-66-150	REP-P	85-17-058	220-20-030	REP	85-13-032	220-32-0550001	NEW-E	85-10-043
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204-91-160	NEW-P	85-17-058	220-28-504	NEW-E	85-14-082	220-40-022	AMD	85-13-073
204-91-170	NEW-P	85-17-058	220-28-504	REP-E	85-15-035	220-40-024	AMD-P	85-10-060
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204-93-020	NEW-P	85-17-060	220-28-507	NEW-E	85-16-081	220-40-031	NEW-C	85-04-005
204–93–030	NEW-P	85–17–060	220–28–507	REP-E	85–16–083	220-40-031	NEW-C	85-06-032

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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220-44-020	AMD-P	85-04-065	220-56-100	AMD-P	85-03-110	220-56-201	REP	85-09-017
220-44-050	AMD-P	85-04-035	220-56-100	AMD-C	85-09-016	220-56-20100A	NEW-E	85-14-021
220-44-050	AMD	85-07-022	220-56-100	AMD	85-09-017	220–56–235 220–56–235	AMD-P AMD-C	85-03-110 85-09-016
220-44-05000N	NEW-E	85-09-035	220-56-10000A	NEW-E AMD-P	85-08-005 85-03-110	220-56-235	AMD-C	85-09-017
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220-44-05000P	NEW-E REP-E	85-12-031 85-15-045	220-56-105	AMD-C	85-09-017	220-56-240	AMD-P	85-03-110
220-44-05000P 220-44-05000O	NEW-E	85-15-045	220-56-10500B	NEW-E	85-08-005	220-56-240	AMD-C	8509016
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220-44-08000A	NEW-E	85-09-011	220-56-110	AMD	85-11-020 85-03-110	220–56–255 220–56–255	AMD-P	85-10-062
220-47-307	AMD-P	85-08-038 85-13-031	220–56–115 220–56–115	AMD-P AMD-C	85-09-016	220-56-30500A	NEW-E	85-11-010
220-47-307 220-47-307	AMD-C AMD	85-13-031 85-13-032	220-56-115	AMD	85-09-017	220-56-310	AMD-P	85-10-061
220-47-311	AMD-P	85-08-038	220-56-11500D	NEW-E	85-08-005	220-56-310	AMD	85-12-046
220-47-311	AMD-C	85-13-031	220-56-116	AMD-P	85-03-110	220-56-310	AMD-P	85-15-099
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220-47-312	AMD-P	85-08-038	220-56-116	AMD NEW-E	85-09-017 85-08-005	220–56–320 220–56–320	AMD-P AMD-C	85-09-016
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220-47-313	AMD	85-13-032	220-56-128	AMD-P	85-03-110	220-56-330	AMD-C	85-09-016
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220-47-412	AMD-P	85-08-038	220-56-15600D	NEW-E	85-08-005	220-56-350	AMD	85-12-046
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220-47-412	AMD	85-13-032	220–56–175 220–56–175	AMD–C AMD	85-09-034 85-11-020	220–56–360 220–56–360	AMD-P	85-15-099
220–47–413 220–47–413	AMD–P AMD–C	85-08-038 85-13-031	220-56-173	AMD-P	85-03-110	220-56-36000H	NEW-E	85-04-064
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220-47-414	AMD-P	85-08-038	220-56-180	AMD	85-09-017	220-56-400	AMD-P	85-03-110
220-47-414	AMD-C	85-13-031	220-56-18000S	NEW-E	85-07-024	220-56-400	AMD-C AMD	85–09–016 85–09–017
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220–47–601 220–47–601	NEW-E REP-E	85–16–012 85–16–082	220-56-185	AMD-C	85-09-017	220–57–130	AMD-P	85-03-110
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220-47-602	REP-E	85-17-009	220-56-185	AMD	85-18-026	220-57-130	AMD	85-09-017
220-47-603	NEW-E	85-17-009	220-56-18500A	NEW-E	85-08-005	220-57-13000H 220-57-135	NEW-E AMD-P	85–18–015 85–06–066
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220-47-604 220-47-604	NEW-E REP-E	85–17–049 85–18–005	220-56-190	AMD-C	85-09-017	220-57-13500G	NEW-E	85-18-015
220-47-605	NEW-E	85-18-005	220-56-19000N	NEW-E	85-09-020	220-57-15500D	NEW-E	85-13-051
220-47-605	REP-E	85-18-014	220-56-19000Q	NEW-E	85-14-024	220-57-15500E	NEW-E	85-18-015
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220-47-606	REP-E	85-18-051 85-18-051	220-56-19000R 220-56-19000R	NEW-E REP-E	85-15-083 85-17-027	220-57-160	AMD-C	85-09-017
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220-47-931	NEW-E	85-03-036	220-56-19000S	REP-E	85-17-048	220-57-16000P	REP-E	85-15-031
220-48-005	AMD-P	85-04-065	220-56-19000T	NEW-E	85-17-048	220-57-16000Q	NEW-E	85-15-031
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220-48-00500B	NEW-E	85-09-011	220-56-19000U 220-56-19000U	NEW-E REP-E	85-18-008 85-18-037	220-57-16000R	REP-E	85-18-009
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220-48-013	NEW _	85-08-023	220-56-195	AMD-P	85-03-110	220-57-16000T	REP-E NEW-E	85-18-053 85-18-053
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220-48-015 220-48-01500M	AMD NEW-E	85-08-023 85-04-044	220–56–195 220–56–19500C	NEW-E	85-08-005	220-57-175	AMD-C	85-09-016
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220-49-02000R	NEW-E	85-09-012	220–56–199 220–56–201	NEW REP-P	85-09-017 85-03-110	220–57–285 220–57–29000G	NEW-E	85-11-051
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232-12-157 232-12-227	AMD AMD-P	85-12-005 85-12-035	248-14-297 248-14-297	NEW-P NEW	85-14-017 85-17-039	248-58-500 248-63-010	AMD-P AMD-P	85–18–079 85–06–006
232-12-227	AMD	85-16-004	248-14-570	NEW-P	85-14-017	248-63-020	AMD-P	85-06-006
232-16-120	REP-P	85-05-055	248-14-570	NEW	85-17-039	248-63-060	AMD-P	85-06-006
232-16-120	REP	85-09-005	248-18-260	AMD-P	85-02-069	248-63-080	AMD-P	85-06-006
232-16-670 232-16-670	AMD-P AMD	85-05-053 85-09-007	248-18-260 248-18-680	AMD AMD–P	85-05-034 85-02-069	248-63-120 248-63-150	AMD–P AMD–P	85–06–006 85–06–006
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232-28-107	REP	85-16-026	248-18-700	AMD-P	85-02-069	248-63-170	AMD-P	85-06-006
232-28-108 232-28-108	NEW-P NEW	85-12-034 85-16-026	248-18-700 248-18-718	AMD AMD–P	85-05-034 85-05-004	248-63-180 248-84-120	AMD-P NEW-E	85-06-006 85-07-026
232-28-208	REP-P	85-08-036	248-18-718	AMD	85-10-001	248-84-120	NEW-P	85-08-037
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232-28-20801 232-28-20801	REP-P REP	85-08-036 85-14-037	248-18-99902 248-19	AMD AMD–C	85-05-033 85-13-008	248-100-163 248-100-163	AMD-E AMD-P	85-03-055 85-03-062
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232-28-614	REP-P	85-14-096	248-19-325	REP-P	85-07-044	248-150-060	AMD-P	85-18-018
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232-28-61402	REP-P	85-14-096	248-19-340	AMD-P	85-07-044 85-07-044	248-152-010	REP-F	85-14-103 85-17-046
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232-28-61411 232-28-61412	NEW-E NEW-E	85–06–027 85–06–028	248-19-403 248-19-405	AMD–P AMD–P	85-07-044 85-07-044	248-152-035	REP REP-P	85-17-046
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232-28-61415	NEW-E	85-14-062 85-15-026	248-19-420	AMD-P	85-07-044	248-152-050	REP	85-17-046
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236-20A-010	AMD	8510037	248-31-030	NEW	85-04-054	250-44-040	AMD	85-10-022
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251-06-012	NEW-P	85-06-067	251-18-190	AMD	85-04-019	275–16–030 275–32–005	AMD REP-P	85–17–038 85–05–031
251-06-090	AMD-P	85-06-067	251-18-200	AMD	85-04-019	275-32-005	REP	85-09-003
251-06-092	NEW-P	85-06-067	251-18-240	AMD-P	85-12-047	275-32-010	REP-P	85-05-031
251-06-094 251-08-090	NEW-P AMD-E	85–06–067 85–14–043	251-18-240	AMD-E	85-15-082	275-32-010	REP	85-09-003
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251-18-041	NEW-P	85–18–073 85–12–047	261-50-070	AMD-P	85-14-116	275-34-140	REP-P REP	85-05-031 85-09-003
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251-18-075	NEW NEW-P	85-16-038	262-02-010	NEW-P	85-13-069	275-35-020	NEW-P	85-05-031
251-18-095 251-18-095	NEW-P NEW	85-12-047 85-16-038	262-02-010 262-02-020	NEW NEW-P	85-18-031 85-13-069	275-35-020 275-35-030	NEW NEW-P	85-09-003 85-05-031
251-18-140	AMD-C	85-04-018	262-02-020	NEW-F	85-18-031	275-35-030 275-35-030	NEW-P NEW	85-09-003
251-18-140	AMD-P	85-12-047	262-02-030	NEW-P	85-13-069	275-35-040	NEW-P	85-05-031
251-18-140	AMD	85-16-038	262-02-030	NEW	85–18–031	275-35-040	NEW	85-09-003

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275-35-060	NEW-P	85-05-031	284-84-020	NEW-P	85-18-020	296-17-420	AMD-P	85-02-052
275-35-060	NEW	85-09-003	284-84-030	NEW-P	85-18-020	296-17-420	AMD AMD–P	85-06-026 85-02-052
275-35-070	NEW-P	85-05-031	284-84-040	NEW-P NEW-P	85-18-020 85-18-020	296-17-430 296-17-430	AMD-P AMD	85-02-052 85-06-026
275–35–070	NEW	85-09-003 85-05-031	284–84–050 284–84–060	NEW-P	85-18-020 85-18-020	296-17-440	AMD-P	85–02–052
275-35-080 275-35-080	NEW-P NEW	85-09-003	284-84-070	NEW-P	85-18-020	296-17-440	AMD	85-06-026
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275-35-090	NEW	85-09-003	284-84-090	NEW-P	85-18-020	296-17-44001	NEW	85-06-026
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275-37-020	NEW	85-09-003	289-15-225	AMD	85-05-001	296-17-501	AMD	85-06-026
275-38-001	AMD-P	85-03-006	289-15-225	AMD-P	85-06-001	296-17-502	AMD-P	85-02-052
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275-38-745	AMD-E	85-03-007	289-16-130	AMD	85-18-025	296-17-509	AMD-P	85-02-052
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284-30-700	NEW	85-17-018	296-17-410	AMD-P	85-02-052 85 06 036	296-17-549	AMD B	85-06-026
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296-17-568	AMD-P	85-02-052	296-17-649	AMD-E	85-09-045	296-17-701	AMD-P	85-02-052
296–17–568	AMD	85-06-026	296–17–649	AMD-P	85-09-046	296-17-701	AMD	85–06–026 85–02–052
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296–17–619	AMD	85-06-026	296-17-682	AMD-P	85-02-052	296-17-726 296-17-727	AMD	85-06-026 85-02-052
296-17-622 296-17-622	AMD-P AMD	85–02–052 85–06–026	296-17-682 296-17-684	AMD AMD–P	85–06–026 85–02–052	296-17-727	AMD-P AMD	85–06–026
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296-17-643 296-17-643	AMD-P AMD	85-06-026	296-17-694	AMD-P	85–00–020 85–02–052	296-17-755	AMD	85-06-026
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296–17–643	AMD-P	85-09-046	296-17-695	AMD-P	85-02-052	296-17-756	AMD	85-06-026 85-02-052
296-17-643 296-17-644	AMD AMD–P	85-12-024 85-02-052	296–17–695 296–17–696	AMD AMD–P	85-06-026 85-02-052	296-17-758 296-17-758	AMD-P AMD	85-02-052 85-06-026
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296-17-646	AMD-P	85-02-052	296-17-697	AMD-P	85-02-052	296-17-760	AMD	85-06-026
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296-17-778 296-17-778	AMD-P AMD	85-06-026	296-18-140	REP-C	85-16-074	296-18-360	REP-E	85–11–050
296-17-850	AMD-P	85-10-067	296-18-140	REP	85-17-022	296-18-360	REP-P	85~13-082
296-17-850	AMD	85-13-046	296-18-140	REP-E	85-18-007	296-18-360	REP-C	85-16-074
296-17-850	AMD-E	85-14-064	296-18-160	REP-E	85-11-050	296-18-360	REP	85-17-022
296-17-885 296-17-885	AMD-P AMD	85-02-052 85-06-026	296-18-160 296-18-160	REP-P REP-C	85-13-082 85-16-074	296-18-360 296-18-370	REP-E AMD-P	85-18-007 85-03-019
296-17-895	AMD-P	85-02-052	296-18-160	REP	85-17-022	296-18-370	AMD-E	85-04-038
296-17-895	AMD	85-06-026	296-18-160	REP-E	85-18-007	296-18-370	REP-E	85-11-050
296-17-895	AMD-P	85-10-067	296-18-170	REP-E	85-11-050	296-18-370	REP-P	85-13-082
296-17-895 296-17-895	AMD AMD-E	85-13-046 85-14-064	296-18-170 296-18-170	REP-P REP-C	85-13-082 85-16-074	296-18-370 296-18-370	REP-C REP	85-16-074 85-17-022
296-17-904	AMD-E	85-06-025	296-18-170	REP	85-17-022	296-18-370	REP-E	85-18-007
296-17-910	AMD	85-06-025	296-18-170	REP-E	85-18-007	296-18-380	NEW-P	85-03-019
296-17-911	AMD	85-06-025	296-18-180	REP-E	85-11-050	296-18-380	NEW-E	85-04-038
296-17-913 296-17-914	AMD AMD	85-06-025 85-06-025	29618180 29618180	REP-P REP-C	85-13-082 85-16-074	296-18-390 296-18-390	NEW-P NEW-E	85-03-019 85-04-038
296-17-914	AMD	85-06-025	296-18-180	REP-C	85-17-022	296-18-400	REP-E	85-11-050
296-17-916	AMD	85-06-025	296-18-180	REP-E	85-18-007	296-18-400	REP-P	85-13-082
296-17-917	AMD	85-06-025	296-18-190	REP-E	85-11-050	296-18-400	REP-C	85-16-074
296-17-919 296-17-91901	AMD	85-06-025 85-06-025	296-18-190 296-18-190	REP-P REP-C	85-13-082 85-16-074	296-18-400 296-18-400	REP REP-E	85-17-022 85-18-007
296-17-91901	AMD AMD	85-06-025 85-06-025	296-18-190	REP-C	85-17-022	296-18-410	NEW-E	85-11-050
296-18	AMD-C	85-17-021	296-18-190	REP-E	85-18-007	296-18-410	NEW-P	85-13-082
296-18-010	REP-E	85-11-050	296-18-200	AMD-P	85-06-040	296-18-410	NEW-C	85-16-074
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296-18-020 296-18-020	REP-C REP	85-16-074 85-17-022	29618205 29618205	NEW-P NEW-W	85-13-025	296-18-430	NEW-P	85-13-082 85-16-074
296-18-020	REP-E	85-18-007	296-18-210	AMD-P	85-06-039	296-18-440	NEW-E	85-11-050
296-18-040	AMD-P	85-03-019	296-18-210	REP-E	85-11-050	296-18-440	NEW-P	85-13-082
296-18-040	AMD-E REP-E	85-04-038 85-11-050	296-18-210	AMD–W REP–P	85-13-025 85-13-082	296–18–440 296–18–440	NEW-C NEW	85-16-074 85-17-022
296-18-040 296-18-040	REP-E	85-13-082	296-18-210 296-18-210	REP-C	85–15 – 082 85–16 – 074	296-18-440	NEW-E	85-18-007
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296-18-040 296-18-070	REP-E REP-E	85-18-007 85-11-050	296–18–300 296–18–300	REP-E REP-P	85-11-050 85-13-082	296-18-445 296-18-445	NEW NEW-E	85-17-022 85-18-007
296-18-070	REP-P	85-13-082	296-18-300	REP-C	85-16-074	296-18-450	NEW-E	85-11-050
296-18-070	REP-C	85-16-074	296-18-300	REP	85-17-022	296-18-450	NEW-P	85-13-082
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296-18-090	REP-P	85-13-082	296-18-320	REP-C	85-16-074	296-18-470	NEW-E	85-11-050
29618090	REP-C	85-16-074	296-18-320	REP	85-17-022	296-18-470	NEW-P	85-13-082
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296-18-100	REP-E	85-11-050	296-18-330	REP-P	85-13-082	296-18-470	NEW-E	85-18-007
296-18-100	REP-P	85-13-082	296-18-330	REP-C	85-16-074	296-18-480	NEW-E	85-11-050
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296-18-100 296-18-100	REP REP-E	85-17-022 85-18-007	296–18–330 296–18–340	REP–E AMD–P	85-18-007 85-03-019	296-18-480 296-18-480	NEW-C NEW	85-16-074 85-17-022
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296-18-110	REP-P	85-13-082	296–18–340	REP-E	85-11-050	296-18-490	NEW-E	85-11-050
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296-18-110 296-18-110	REP	85-17-022	296–18–340	REP-C	85-16-074	296-18-490 296-18-490	NEW-C NEW	85-16-074
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296-18-120	REP-P	85-13-082	296-18-345	NEW-P	85-03-019	296-18-500	NEW-E	85-11-050
296-18-120	REP-C	85-16-074	296-18-345	NEW-E	85-04-038	296-18-500	NEW-P	85-13-082
296-18-120 296-18-120	REP REP-E	85-17-022 85-18-007	296-18-350	AMD-P AMD-E	85-03-019 85-04-038	296-18-500 296-18-500	NEW-C NEW	85-16-074 85-17-022
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296-18-130	REP-P	85-13-082	296-18-350	REP-P	85-13-082	296-18-510	NEW-E	85-11-050
296-18-130	REP-C	85-16-074	296-18-350	REP-C	85-16-074	296-18-510	NEW-P	85-13-082
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-18-510	NEW	85-17-022	296-56-60081	AMD-P	85-05-043	296–65–020	NEW-P	85-18-045
296-18-510	NEW-E	85-18-007	296-56-60081	AMD	85-10-004	296–65–025	NEW-E	85-16-019
296-18-520 296-18-520	NEW-E NEW-P	85-11-050 85-13-082	296-56-60083 296-56-60083	AMD-P AMD	85-05-043 85-10-004	296–65–025 296–65–025	NEW-E NEW-P	85-18-021 85-18-045
296-18-520	NEW-C	85-16-074	296-56-60085	AMD-P	85-05-043	296-65-030	NEW-E	85-16-019
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296-18-520	NEW-E	85-18-007	296-56-60089	AMD-P	85-05-043	296-65-030	NEW-P	85-18-045
296-23-940	REP-E	85-11-070	296-56-60089	AMD	85-10-004	296–65–040	NEW-E	85-16-019
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296-23-9401	REP-E	85-11-064	296-56-60098	AMD-P	85-05-043	296–65–045	NEW-E	85–16–043 85–16–019
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296-23-9403	REP-E	85-11-064	296-56-60099	AMD	85-10-004	296-116-070	AMD-P	85-12-039
296-23-9403 296-23-9403	REP-P REP-C	85-13-082 85-16-074	296–56–60115 296–56–60115	AMD-P AMD	85-05-043 85-10-004	296-116-070 296-116-070	AMD AMD-E	8515032 8516057
296-23-9409	REP-E	85-11-064	296-56-60117	AMD-P	85-05-043	296-116-120	AMD-P	85-12-038
296-23-9409	REP-P	85-13-082	296-56-60117	AMD	85-10-004	296-116-120	AMD	85-15-033
296-23-9409	REP-C	85-16-074	296-56-60135	AMD-P	85-05-043	296-124-010	NEW	85-03-065
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296-23-9410	REP-C	85-16-074	296-56-60137	REP	85-10-004	296-124-021	NEW	85–03–065 85–03–065
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296-23-960	NEW-E	85-14-089	296-56-60182	REP	85-10-004	296-124-050	NEW	85-03-065
296-24-19003	AMD-P	85-05-043	296-56-60209	AMD-P	85-05-043	296-150A-005	AMD	85-05-026
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296-24-31503	AMD-F	85-10-004	296-56-60211	AMD-F	85-10-004	296-150A-040 296-150A-100	AMD	85–05–026 85–05–026
296-24-31505	AMD-P	85-05-043	296-56-60217	AMD-P	85-05-043	296-150A-105	AMD	85-05-026
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296-24-33009	AMD-F	85-10-004	296-56-60227	AMD-P	85-10-004	296-150B-303	AMD	85–05–028 85–05–028
296-24-33011	AMD-P	85-05-043	296-56-60233	AMD-P	85-05-043	296-150B-990	AMD	85-05-027
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296-24-37019	AMD-P	85-05-043	296-62-05411	AMD-P	85-05-043	296-402-040	NEW-P	85-14-033
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296-24-37023	AMD-P	85-05-043	296-62-05413	AMD-P	85-05-043	296-402-060	NEW-P	85-14-033
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296-24-47505	AMD-P	85-05-043	296-62-05425	AMD-P	85-05-043	296-402-100	NEW-P	85-14-033
296-24-47505	AMD	85-10-004	296-62-05425	AMD	85-10-004	296-402-110	NEW-P	85-14-033
296-30-010	NEW	85-03-060	296-62-07302	AMD-P	85-05-043	296-402-120	NEW-P	85-14-033
296-30-020 296-30-050	NEW NEW	85–03–060 85–03–060	296–62–07302 296–62–07306	AMD AMD-P	85-10-004 85-05-043	296-402-130 296-402-140	NEW-P NEW-P	85-14-033 85-14-033
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296-30-130	NEW	85-03-060	296-62-07353	AMD	85-10-004	296-402-170	NEW-P	85-14-033
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296-40-940	REP-E	85-11-064	296–62–130 296–65–001	AMD NEW-E	85-10-004 85-16-019	296-402-190 304-12-140	NEW-P AMD-P	85-16-065
296-46-495	AMD-E	85-14-090	296-65-001	NEW-E	85-18-021	304-12-155	REP-P	85-16-065
296-46-495	AMD-P	85-14-091	29665001	NEW-P	85-18-045	304-12-170	REP-P	85-16-065
296-46-910	AMD-E	85-14-090	296–65–003	NEW-E	85-16-019	304-12-180	REP-P	85-16-065
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296-56-60001	AMD-F AMD	85-10-004	296-65-005	NEW-F	85-18-045 85-16-019	304-12-191	REP-P	85-16-065
296-56-60019	AMD-P	85-05-043	296-65-005	NEW-E	85-18-021	304-12-220	REP-P	85-16-065
296-56-60019	AMD	85-10-004	296-65-005	NEW-P	85-18-045	304-12-225	REP-P	85-16-065
296–56–60045	AMD-P	85-05-043	296-65-010	NEW-E	85-16-019	304-12-300	REP-P	85-16-065
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296-56-60073	AMD-P	85-05-043	296-65-015	NEW-E	85-18-021	304-25	AMD-P	85-16-066
296-56-60073	AMD	85-10-004	296-65-015	NEW-P	85-18-045	304-25-010	AMD-P	85-16-066
296-56-60077	AMD-P	85-05-043 85-10-004	296-65-020	NEW-E	85-16-019	304-25-510	AMD-P	85-16-066 85-16-066
296–56–60077	AMD	8510004	296–65–020	NEW-E	85–18–021	304–25–560	AMD-P	8516066

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
304–25–570	AMD-P	85–16–066	308-42-200	REP-E	85-14-110	308-93-070	AMD-E	85-14-079
308-04-001	AMD-E	85-03-082	308-42-200	REP	85-18-087	308-93-070	AMD-P	85-16-095
308-04-001 308-11-010	AMD–P AMD	85-13-078 85-03-045	308-48-100 308-48-320	AMD-P REP-P	85-14-025 85-15-101	308-93-071 308-93-071	NEW-E NEW-P	85-14-079 85-16-095
308-11-010	AMD	85-03-045	308-48-320	REP-E	85-15-109	308-93-072	NEW-E	85-14-079
308-11-100	AMD	85-03-045	308-48-590	AMD-P	85-15-101	308-93-072	NEW-P	85-16-095
308-11-120	AMD	85-03-045	308-48-700	NEW-P	85-18-085	308-93-073	NEW-E	85-14-079
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308-12-023	AMD	85–05–010	308-48-730	NEW-P	85-18-085	308-93-074	NEW-P	85-16-095
308-12-031	AMD-P	85-17-077	308-48-740	NEW-P	85-18-085	308-93-075	AMD-E	85-14-079
308-12-040	AMD	85-05-010	308-48-750	NEW-P	85-18-085	308-93-075	AMD~P	85-16-095
308-12-050 308-12-050	AMD AMD-P	85-05-010 85-17-077	308-48-760 308-48-770	NEW-P NEW-P	85-18-085 85-18-085	308-93-076 308-93-076	NEW-E NEW-P	85-14-079 85-16-095
308-12-080	AMD-P	85-17-077	308-48-780	NEW-P	85-18-085	308-93-077	NEW-E	85-14-079
308-12-081	AMD-P	8517077	308-50-060	REP-P	85-06-055	308-93-077	NEW-P	85-16-095
308-12-082	REP-P NEW-P	85-17-077 85-17-077	308-50-060 308-50-070	REP REP-P	85-10-024 85-06-055	308-93-135 308-93-135	AMD-E AMD-P	85-14-079 85-16-095
308-12-085 308-12-110	AMD	85-05-010	308-50-070	REP-F	85-10-024	308-93-190	AMD-E	85-14-079
308-12-110	REP-P	85-17-077	308-50-080	REP-P	85-06-055	308-93-190	AMD-P	85-16-095
308-12-115	NEW-P	85-17-077	308-50-080	REP	85-10-024	308-93-210	AMD-E	85-14-079
308-12-116 308-12-120	NEW-P REP-P	85-17-077 85-17-077	308-50-270 308-50-300	AMD REP–P	85-05-020 85-06-055	308-93-210 308-93-260	AMD–P REP–E	85-16-095 85-14-079
308-12-120	REP-P	85-17-077	308-50-300	REP	85-10-024	308-93-260	REP-P	85-16-095
308-12-320	AMD	85-05-010	308-50-320	AMD-P	85-06-055	308-93-360	AMD-E	85-14-079
308-12-321 308-12-322	NEW-P NEW-P	85-17-077 85-17-077	308-50-320 308-50-380	AMD NEW	85-10-024 85-05-020	308-93-360 308-93-450	AMD-P AMD-E	85-16-095 85-14-079
308-12-322	NEW-P	85-17-077 85-17-077	308-50-390	NEW-P	85–06–055	308-93-450	AMD-P	85-16-095
308-12-324	NEW-P	85-17-077	308-50-390	NEW	85-10-024	308-93-620	AMD-E	85-14-079
308-12-325	NEW-P	85-17-077	308-50-400	NEW-P	85-06-055	308-93-620	AMD-P	85-16-095
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308-13-015	AMD	85-04-029	308-50-410	NEW	85-10-024	308-96A-046	AMD-P	85-10-069
308-13-020	AMD	85-04-029	308-51-190	REP-E	85-15-105	308-96A-046	AMD	85-15-059
308-13-022 308-13-025	NEW NEW	85-04-029 85-04-029	308-51-190 308-52-138	REP–P AMD	85-16-093 85-03-083	308-96A-080 308-96A-080	NEW-P NEW	85-07-045 85-11-014
308-13-023	REP	85-04-029	308-52-255	AMD-P	85-07-066	308-96A-085	NEW-P	85-07-045
308-13-032	NEW	85-04-029	308-52-255	AMD	85-11-048	308-96A-085	NEW	85-11-014
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308-25-200 308-25-200	REP-E REP-P	85-15-103 85-16-090	308-53-290 308-53-290	NEW REP-P	85-05-009 85-13-079	308-99-040 308-115-300	AMD-P REP-E	85-13-080 85-15-108
308-26-030	REP-E	85-15-106	308-53-290	REP-E	85-16-053	308-115-300	REP-P	85-16-096
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308-31-200	REP	85-15-058	308-56A-150	AMD-P	85-02-064	308-120-300	AMD-P	85-07-067
308-31-200	REP-E	85-16-052	308-56A-150	AMD	85-06-011	308-120-300	AMD-C	85-16-050
308-34-100 308-34-100	REP–E REP–P	85-15-104 85-16-092	308-78-010 308-78-040	AMD AMD	85-04-027 85-04-027	308-120-305 308-120-305	AMDP AMDC	85-07-067 85-16-050
308-37-160	NEW-P	85-02-062	308-78-045	AMD	85-04-027	308-120-305	AMD-P	85-07-067
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308-37-170 308-37-170	NEW-P NEW	85–02–062 85–05–040	308-78-070 308-78-080	AMD AMD	85-04-027 85-04-027	308-120-325 308-120-325	AMD–P AMD–C	85-07-067
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308-37-180	NEW	85-05-040	308-89-010	NEW-P	85-17-071	308-120-335	AMD-C	85-16-050
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308-37-190 308-40-104	NEW AMD–P	85-05-040 85-11-065	308-89-020 308-89-030	NEW-P NEW-P	85-17-071 85-10-070	308-120-345 308-120-355	AMD-C REP-P	85–16–050 85–07–067
308-40-104	AMD-C	85-14-032	308-89-030	NEW	85-16-088	308-120-355	REP-C	85-16-050
308-40-104	AMD	85-16-113	308-89-040	NEW-P	85-10-070	308-120-360	AMD-P	85-07-067
308-40-111 308-40-111	REP-C REP	85–06–007 85–07–046	308-89-040 308-89-050	NEW NEW-P	85-16-088 85-10-070	308-120-360 308-120-365	AMD–C AMD–P	85-16-050 85-07-067
308-42-122	NEW-P	85-03-107	308-89-050	NEW	85-16-088	308-120-365	AMD-C	85-16-050
308-42-122	NEW	85-10-002	308-93-010	AMD-E	85-14-079	308-120-400	AMD-P	85-07-067
308-42-136 308-42-136	NEW-P NEW-P	85-03-107 85-08-042	308-93-010 308-93-050	AMD-P AMD-E	85–16–095 85–14–079	308-120-400 308-120-410	AMD-C AMD-P	85-16-050 85-07-067
308-42-136	NEW	85-11-049	308-93-050	AMD-P	85-16-095	308-120-410	AMD-C	85-16-050
308-42-165	NEW-P	85-18-086	308-93-060	AMD-E	85-14-079	308-120-420	AMD-P	85-07-067
308-42-200	REP-P	85–14–109	308-93-060	AMD-P	85–16–095	308-120-420	AMD-C	85–16–050

308-120-400 AMD-C \$1-6.000 308-171-200 NEW \$1-2-0.01 314-16-196 AMD-W \$1-2-0.01 310-120-400 AMD-C \$1-6.000 308-171-200 NEW-P \$1-0-0.01 311-16-197 NEW-P \$1-0-0.01 NEW-P \$1-1-0.01 311-16-197 NE	WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-120-400 AMD-C 83-16-500 308-171-200 NEW-P 85-02-065 314-16-197 NEW-P 85-03-065 308-10-200 AMD-C 83-16-500 308-171-200 NEW-P 85-03-065 314-16-197 NEW-P 85-03-065 308-171-200 NEW-P 85-03-065 314-16-197 NEW-P 85-10-063 308-171-200 NEW-P 85-03-065 314-16-197 NEW-P 85-10-063 308-171-200 NEW-P 85-03-065 314-16-197 NEW-P 85-10-063 308-171-200 NEW-P 85-03-065 314-16-100 NEW-P 85-10-063 308-171-200 NEW-P 85-03-065 314-16-100 NEW-P 85-10-063 308-171-200 NEW-P 85-03-065 314-16-100 NEW-P 85-10-063 308-171-200 NEW-P 85-03-065 314-16-200 NEW-P 85-12-054 308-120-500 NEW-P 85-03-065 314-16-200 NEW-P 85-12-054 308-120-500 NEW-P 85-03-065 314-18-200 NEW-P 85-03-065 314-18							31416196		8507034
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308-122-600 NEW-P 85-07-608 308-171-202 NEW-P 85-02-605 314-16-210 REVIEW 85-12-654 315-12-203 NEW-P 85-07-608 316-16-220 REVIEW 85-12-654 315-12-203 NEW-P 85-07-608 316-16-220 REVIEW 85-12-654 315-12-201 REVIEW 85-12-654 AMD-P		NEW-P	85-07-068			85-02-053			
100-100-100 NEW-P 83-07-089 308-171-202 NEW 83-05-008 314-16-220 REVIEW 83-12-054 318-12-215 NEW 83-10-313 308-171-301 NEW 83-00-354 314-18-004 AMD-P 83-10-031 308-171-301 NEW 83-05-038 314-18-004 AMD-P 83-10-031 308-171-301 NEW 83-05-038 314-18-004 AMD-P 83-10-031 308-171-301 NEW 83-05-038 314-12-010 AMD-P 83-10-031 308-171-301 NEW 83-05-038 314-12-030 AMD-P 83-16-031 314-12-103 AMD-P 83-16-119 313-12-103 AMD-P 83-16-119		NEW-P		308-171-202		85-02-065		REVIEW	
308-122-200 REP 85-06-043 308-171-300 NEW 85-06-083 314-18-040 AMD-9 85-06-093 308-122-600 NEW 85-06-044 308-171-300 NEW 85-06-083 314-18-040 AMD-9 85-06-093 308-122-600 NEW 85-06-044 308-171-300 NEW 85-06-083 314-20-103 AMD-9 85-18-092 308-122-600 NEW 85-06-044 308-171-300 NEW 85-06-018 314-20-103 AMD-9 85-18-092 308-122-600 NEW 85-06-044 308-171-300 NEW 85-06-018 314-20-200 NEW 85-06-049 308-122-600 NEW 85-06-048 308-171-300 NEW 85-06-018 314-20-200 NEW 85-06-018 3		NEW-P			NEW	85-05-008		REVIEW	
308-122-60 NEW \$5-06-044 308-173-010 NEW \$5-07-070 314-18-040 AMD \$5-06-021 318-122-610 NEW \$5-06-044 308-173-010 NEW \$5-07-070 314-20-1015 AMD-P \$5-16-031 318-122-610 NEW \$5-06-044 308-173-010 NEW \$5-06-018 314-24-013 AMD-P \$5-16-031 318-122-640 NEW \$5-06-044 308-175-030 NEW \$5-06-018 314-24-013 NEW-P \$5-06-018 318-22-640 NEW \$5-06-044 308-175-030 NEW \$5-06-018 314-24-013 NEW-P \$5-06-018 318-22-640 NEW \$5-06-044 308-175-030 NEW \$5-06-018 314-24-013 NEW-P \$5-06-018 318-22-640 NEW \$5-06-044 308-175-030 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW \$5-06-044 308-175-030 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW \$5-06-044 308-175-050 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW-P \$5-16-114 308-175-050 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW-P \$5-16-114 308-175-070 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW-P \$5-16-014 308-175-070 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW-P \$5-16-014 308-175-070 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW-P \$5-16-014 308-175-070 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW-P \$5-16-014 308-175-070 NEW \$5-06-018 314-40-040 AMD-P \$5-16-119 308-122-640 NEW-P \$5-16-014 314-12-010 REVIEW \$5-12-054 315-02-020 AMD-P \$5-16-014 308-122-640 NEW-P \$5-16-014 314-12-010 REVIEW \$5-12-054 315-02-020 AMD-P \$5-16-014 314-12-010 REVIEW \$5-12-054 315-02-020 AMD-P \$5-16-031 314-12-010 REVIEW \$5-12-054 315-02-020 AMD-P \$5-16-031 314-12-040 REVIEW \$5-12-054 315-02-000 AMD-P \$5-16-031 314-12-040 REVIEW \$5-12-054 315-04-010 AMD-P \$5-16-031 314-12-040 REVIEW \$5-12-054 315-04-010 AMD-P \$5-16-031 314-12-040 REVIEW \$5-12-054 315-04-100					NEW-W	85-02-053			
308-122-600 NEW \$5-06-044 308-171-301 NEW \$5-12-010 AMD-P \$5-18-092 308-122-620 NEW \$5-06-044 308-175-010 NEW \$5-06-018 311-23-1203 AMD-P \$5-16-019 308-122-620 NEW \$5-06-014 308-175-020 NEW \$5-06-018 311-23-120 AMD-P \$5-16-019 308-122-601 NEW \$5-06-014 308-175-020 NEW \$5-06-018 311-23-120 NEW \$5-06-018 NEW \$5-06-018 311-23-120 NEW \$5-06-018 NEW					NEW-P				
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13 5-11-12 NEW_E								NEW-P	
315-11-150 NEW									
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326-08-015 NEW 85-14-101 332-14-210 NEW 85-10-040 332-26-091b NEW-E 85-18-060 326-20-115 NEW-E 85-14-041 332-14-220 NEW-P 85-04-062 332-26-091b REP-E 85-18-082 326-20-120 AMD-P 85-11-015 332-14-230 NEW-P 85-04-062 332-26-091c NEW-E 85-18-082 326-20-120 AMD-P 85-11-015 332-14-230 NEW-P 85-04-062 332-26-092 NEW-E 85-18-039 NEW-E 85-18-039					NEW-P	85-04-062	332-26-091a	REP-E	85-18-060
326-20-115 NEW-P 85-14-042 332-14-220 NEW 85-10-040 332-26-091c NEW-E 85-18-082 326-20-120 AMD-P 85-11-015 332-14-230 NEW-P 85-04-062 332-26-092 NEW-E 85-18-039	326-08-015								
326-20-120 AMD-P 85-11-015 332-14-230 NEW-P 85-04-062 332-26-092 NEW-E 85-18-039				1					
200 20 120 ATT TO THE TOTAL OF 10 000 PER C. OF 10 000								NEW-E	
					NEW	85-10-040	332-26-092	REP-E	85-18-060

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332-30	AMD-C	85-14-049	352-36-140	NEW-P	85-12-058	356-15-070	AMD-E	85-14-008 85-14-073
332-30-100	AMD-P	85-11-037	352-36-140	NEW	85-16-002	356-15-095	NEW-P	85-16-109
332-30-103 332-30-106	AMD–P AMD–P	85-11-037 85-11-037	352-64-010	NEW	85-03-087	356-15-130	·AMD-E	85-05-029
332-30-100	AMD-P	85–11–037 85–11–037	352-64-020 352-64-030	NEW NEW	85-03-087 85-03-087	356-15-130	AMD-P	85-06-036
332-30-112	REP-P	85-11-037	352-64-040	NEW	85–03–087 85–03–087	356-15-130 356-18-020	AMD AMD-P	85-09-030 85-12-043
332-30-115	AMD-P	85-11-037	352-64-050	NEW	85-03-087	356-18-020	AMD-P	85-12-043 85-15-043
332–30–117	NEW-P	85-11-037	352-64-060	NEW	85-03-087	356-18-030	AMD-P	85–16–109
332-30-121 332-30-126	REP-P NEW-P	85-11-037 85-11-037	352-64-070	NEW	85-03-087	356-18-080	AMD-E	85-09-031
332-30-128	NEW-P	85-11-037	352-64-080 356-05-050	NEW AMD	85-03-087 85-05-030	356-18-080	AMD-P	85-10-052
332-30-130	REP-P	85-11-037	356-05-211	NEW-P	85-10-052	356-18-080 356-18-080	AMD AMD-E	85-14-008 85-14-009
332-30-131	NEW-P	85-11-037	356-05-211	NEW-C	85-14-007	356-18-090	AMD-P	85-06-036
332-30-133	REP-P	85-11-037	356-05-211	NEW	85-15-043	356-18-090	AMD	85-09-030
332-30-134 332-30-136	NEW-P REP-P	85-11-037 85-11-037	356-05-213 356-05-213	REP-P REP-E	85-14-102	356-18-100	AMD-P	85-14-102
332-30-137	NEW-P	85-11-037	356-05-213	REP-E REP-C	85–16–016 85–17–029	356-18-100 356-18-100	AMD-E	85-16-016
332-30-144	NEW-P	85-11-037	356-05-214	NEW-E	85-14-074	356-18-140	AMD-C AMD-P	85-17-029 85-08-013
332–30–160	REP-P	85-11-037	356-05-222	REP-P	85-14-102	356-18-140	AMD	85-11-074
332-30-161 332-30-166	NEW-P AMD-E	85-11-037	356-05-222	REP-E	85-16-016	356-22-210	AMD-P	85-08-013
332-30-166	AMD-E AMD-P	85-07-041 85-08-040	356-05-222 356-05-240	REP-C AMD-E	85-17-029	356-22-210	AMD	85-11-074
332–30–166	AMD-C	85-13-030	356-05-240	AMD-E AMD-P	85-14-074 85-14-102	356-26-030 356-26-030	AMD AMDP	85-05-030 85 10 053
332-30-166	AMD-C	85-13-042	356-05-240	AMD-E	85-16-016	356-26-030	AMD-P	85-10-052 85-14-008
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332-30-166 344-12-015	AMD AMD	85-15-050 85-03-018	356-05-390	AMD-E	85-14-074	356-26-040	AMD-E	85-16-016
344-12-030	AMD	85-03-018	356–05–390 356–05–396	AMD-P NEW-E	85–18–057 85–14–074	356-26-040	AMD-C	85-17-029
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344-12-045	AMD	85-03-018	356-06-020	AMD-E	85-16-016	356-26-130	AMD-P	85-04-031
344-12-050 344-12-060	AMD AMD	85–03–018 85–03–018	356-06-020 356-06-020	AMD-C AMD-P	85-17-029	356-26-130	AMD	85-07-060
344-12-070	AMD	85-03-018	356-06-055	AMD-P AMD-P	85-18-057 85-18-057	356–30–300 356–30–300	AMD-E	85-14-074
344-12-080	AMD	85-03-018	356-10-040	AMD-P	85-06-036	356-30-300	AMD-P AMD-E	85-14-102 85-16-016
344-12-087	AMD	85-03-018	356-10-040	AMD-C	85-09-028	356-30-300	AMD-C	85-17-029
344-12-098 344-12-112	AMD AMD	85–03–018 85–03–018	356-10-040	AMD	85-11-074	356-30-302	AMD-E	85-14-074
344-12-112	AMD	85–03–018 85–03–018	356-14-075 356-14-075	AMD–E AMD–P	85-04-033 85-06-036	356-30-302	REP-P	85-14-102
344-12-131	AMD	85-03-018	356-14-075	AMD-E	85-06-037	356–30–302 356–30–302	REP-E REP-C	85-16-016 85-17-029
344-12-140	AMD	85-03-018	356-14-075	AMD	85-09-030	356-30-330	AMD-P	85-06-036
344-12-205	AMD	85-03-018	356-14-110	AMD-E	85-14-074	356-30-330	AMD	85-09-030
344-12-230 344-12-235	AMD AMD	85-03-018 85-03-018	356-14-110 356-14-110	AMD-P AMD-E	85-14-102	356-30-330	AMD-P	85-12-043
344-12-245	AMD	85-03-018	356-14-110	AMD-E	85-16-016 85-17-029	356-30-330 356-30-330	AMD-E AMD-E	85–14–074 85–16–016
344-12-260	AMD	85-03-018	356-14-120	AMD-P	85-14-102	356-34-010	AMD-E	85-14-102
344-12-262	AMD	85-03-018	356-14-120	AMD-E	85-16-016	356-34-010	AMD-E	85-16-016
344-12-265 344-12-275	AMD AMD	85-03-018 85-03-018	356-14-120	AMD-C	85-17-029	356-34-010	AMD-C	85-17-029
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344-18-020	NEW	85-03-016	356-14-125	REP-C	85-17-029	356-35-010	AMD-P AMD	85-10-052 85-14-008
344-18-030	NEW	85-03-016	356-14-130	AMD-P	85-14-102	356-42-048	NEW-P	85-12-043
344-18-040 344-18-055	NEW NEW	85-03-016	356-14-130	AMD-E	85–16–016	356-42-048	NEW-C	8515042
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344-18-504	NEW	85-03-016	356-14-220	AMD-P	85-08-013	356-42-083	AMD-C	85-15-042
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344-18-950	NEW	85-03-016	356-15-020	AMD AMD–P	85-14-008 85-16-109	356-49-040 358-30-030	AMD-P	85-18-057
352-12-020	AMD-P	85-04-060	356-15-030	AMD-P	85-16-109	358-30-030	AMD–E AMD–P	85-16-007 85-16-098
352-12-020	AMD	85-08-003	356-15-050	AMD-P	85-16-109	358-30-210	AMD-E	85-16-007
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352-32-035 352-32-250	AMD-P	85-08-003 85-04-060	356-15-060 356-15-060	AMD-E	85-04-032 85-07-035	358-30-220	AMD-E	85-16-007
352-32-250	AMD	85-08-003	356-15-060	AMD-C RESCIND	85-07-035 85-09-029	358-30-220 360-12-125	AMD-P NEW-P	85-16-098 85-02-061
352-32-252	AMD-P	85-04-060	356-15-060	AMD-P	85-10-052	360-12-125	NEW-P NEW	85-02-061 85-06-010
352-32-252	AMD	85-08-003	356-15-060	AMD	85-14-008	360-12-130	AMD-P	85-02-061
352-32-285 352-32-285	AMD-P AMD	85-04-060	356-15-060	AMD-E	85-14-073	360-12-130	AMD	8506010
352-36-010	AMD-P	85-08-003 85-12-058	356-15-061 356-15-061	NEW-P NEW	85-10-052 85-14-008	360-16-170	REP-P	85-08-041
352-36-010	AMD-1	85-16-002	356-15-061	NEW-E	85-14-008 85-14-073	360-16-170 360-16-200	REP AMD–P	85-11-066
352-36-110	AMD-P	85-12-058	356-15-070	AMD-E	85-03-047	360-16-200	AMD-P AMD	8508041 8511066
352-36-110 352-36-130	AMD NEW D	85-16-002	356-15-070	AMD	85-05-030	360-16-230	AMD-P	8508041
JJ2-JU-1JU	NEW-P	85–12–058	356-15-070	AMD-P	85–10–052	360–16–230	AMD	85-11-066

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360-16-255	AMD-P	85-02-061	365-14-080	REP-P	85-11-043	365-110-060	NEW-E	85-15-051
360-16-255	AMD	85-06-010	365-14-080	REP REP-P	85-15-011 85-11-043	365-110-060 365-110-070	NEW-P NEW-E	85-16-108 85-15-051
360-17-060 360-17-060	AMD-P AMD	85-08-041 85-11-066	365-14-200 365-14-200	REP-P	85-15-011	365-110-080	NEW-E	85-15-051
360-17-060 360-18-020	AMD-P	85-02-061	365-14-210	REP-P	85-11-043	365-110-080	NEW-P	85-16-108
360-18-020	AMD	85-06-010	365-14-210	REP	85-15-011	381	AMD	85-03-079
360-18-020	AMD-P	85-15-102	365-22-010	REP-P	85-11-044	381	AMD	85-04-001 85-15-096
360-18-020	AMD-P	85-18-089	365-22-010 365-22-020	REP REPP	85-15-010 85-11-044	383–06 383–06	AMD-P AMD-E	85-15-096 85-15-097
360-18-020 360-32-050	AMD-E AMDP	85-18-090 85-15-102	365-22-020	REP	85-15-010	383-06-010	AMD-P	85-15-096
360-32-050	AMD	85-18-091	365-22-030	REP-P	8511044	383-06-010	AMD-E	85-15-097
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360-36-010	AMD	85-06-010	365-22-040	REP-P REP	85-11-044 85-15-010	383-06-020 383-06-030	AMD-E AMD-P	8515097 8515096
360–36–230 360–36–230	REP-P REP	85-02-061 85-06-010	365-22-040 365-22-050	REP-P	85-11-044	383-06-030	AMD-E	85-15-097
360-36-411	NEW-P	85-15-102	365-22-050	REP	85-15-010	383-06-040	AMD-P	85-15-096
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360-36-412	NEW-P	85-15-102	365-22-060	REP REP–P	85-15-010 85-11-044	383-06-045 383-06-045	NEW-P NEW-E	85-15-096 85-15-097
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360–36–442 360–36–443	NEW-P NEW-P	85-15-102 85-15-102	365-22-090 365-31-010	REP-P	85-11-045	383-06-070	AMD-E	85-15-097
360-36-451	NEW-P	85-15-102	365-31-010	REP	85-15-009	383-06-080	AMD-P	85-15-096
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360 <u>40</u> -040 360 <u>40</u> -040	AMD-P AMD	85-02-061 85-06-010	365-31-130	REP-P	85-11-045	383-06-120	AMD-E	85-15-097
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360-40-060 360-40-070	AMD-P	85-02-061	365-31-150	REP	85-15-009	388-08-406	AMD-P	85-04-052
360-40-070	AMD	85-06-010	365-31-160	REP-P	85-11-045	388-08-406	AMD	85-07-048
360-40-080	REP-P	85-02-061	365-31-160	REP REP–P	8515009 8511045	388-14-200 388-15-120	AMD–P AMD–P	85-17-069 85-10-041
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365-12-090	REP REP-P	85-15-011	365-100-010 365-100-020	AMD AMD	85–05–017 85–05–017	388-18-130 388-24	NEW AMD-C	85–03–069 85–16–041
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365-14-020 365-14-030	REP-P	85-11-043	365-110-010	NEW-F	85-15-051	388-24-052	AMD-P	85-13-049
365-14-030	REP	85-15-011	365-110-020	NEW-P	85-16-108	388-24-052	AMD	85-18-041
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365-14-050 365-14-050	REP	85-15-011	365-110-035	NEW-P	85-16-108	388-24-070	AMD	85-18-041
365-14-060	REP-P	85-11-043	365-110-040	NEW-E	85-15-051	388-24-074	AMD-P	85-13-049
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365-14-070 365-14-070	REP-P REP	85-11-043 85-15-011	365-110-050	NEW-E	85-16-108	388-24-125	AMD	85-18-041
JUJ 17 070						•		

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390-13-100	AMD-P	85-11-067	392-123-079	AMD-P	85-13-072	392-196-035	NEW-E	85-17-024
390-13-100 390-14-010	AMD REP–P	85-15-020 85-11-067	392-123-079 392-123-115	AMD AMD–P	85-15-110 85-13-072	392-196-040 392-196-040	NEW-P NEW-E	85-17-023 85-17-024
390-14-010	REP	85-15-020	392-123-115	AMD	85-15-110	392-196-045	NEW-P	85-17-023
390-14-015	AMD-P	85-11-067	392-123-125	AMD-P	85-13-072	392-196-045	NEW-E	85-17-024
390-14-015 390-14-020	AMD AMD-P	85-15-020 85-11-067	392–123–125 392–125–012	AMD AMD-P	85-15-110 85-13-071	392-196-050 392-196-050	NEW-P NEW-E	85-17-023 85-17-024
390-14-020	AMD	85-15-020	392-125-012	AMD	85-15-111	392-196-055	NEW-E	85–17–024 85–17–023
390-14-025	AMD-P	85-11-067	392-125-015	AMD-P	85-13-071	392-196-055	NEW-E	85-17-024
390-14-025 390-14-030	AMD AMD-P	85-15-020 85-11-067	392–125–015 392–125–020	AMD AMD–P	85-15-111 85-13-071	392-196-060	NEW-P	85-17-023
390-14-030	AMD	85-15-020	392-125-020	AMD	85–15–111	392-196-060 392-196-065	NEW-E NEW-P	85-17-024 85-17-023
390-14-035	AMD-P	85-11-067	392-125-030	AMD-P	85-13-071	392-196-065	NEW-E	85-17-024
390-14-035 390-14-040	AMD AMD–P	85-15-020 85-11-067	392-125-030 392-125-035	AMD AMD-P	85-15-111 85-13-071	392-196-070 392-196-070	NEW-P NEW-E	85-17-023
390-14-040	AMD	85-15-020	392-125-035	AMD	85-15-111	392-196-075	NEW-E NEW-P	85-17-024 85-17-023
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390-14-100	AMD	85-15-020	392-125-045	AMD	85-15-111	392-196-085	NEW-E NEW-P	85-17-024 85-17-023
390-14-105	AMD-P	85-11-067	392-125-065	AMD-P	85-13-071	392-196-085	NEW-E	85-17-024
390-14-105 390-16-150	AMD AMD–P	85-15-020 85-10-027	392-125-065 392-125-075	AMD REP–P	85-15-111 85-13-071	392-196-090 392-196-090	NEW-P	85-17-023
390–16–150	AMD-E	85-10-028	392-127-010	AMD-P	85-15-092	419-14-030	NEW-E AMD-P	85-17-024 85-03-050
390-16-150	AMD	85-15-020	392-127-260	AMD-P	85-15-092	419-14-030	AMD	85-07-009
390-18-010 390-18-010	NEW-P NEW-E	85-06-049 85-06-050	392–127–295 392–127–360	AMD-P AMD-P	85-15-092 85-15-092	419-14-040 419-14-040	AMD-P	85-03-050
390-18-010	NEW-P	85-11-008	392-127-395	AMD-P	85-15-092	419-14-075	AMD AMD-E	85–07–009 85–03–023
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390-18-030	NEW	85-15-020	392-129	AMD-C	85-05-012	419-14-110	AMD-P	85-03-050
390–18–050 390–28–010	NEW–P REP–P	85-11-008 85-18-034	392-129-030 392-129-030	NEW-E NEW-P	85-04-046 85-04-047	419-14-110 419-18-030	AMD AMD-P	8507009 8503051
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390-28-021	REP-P	85-18-034	392-183-005	NEW-P	85-17-006	419-18-040	AMD-P	85-03-051
390–28–025 390–28–030	AMD-P REP-P	85-18-034 85-18-034	392-183-005 392-183-010	NEW-E NEW-P	85-17-008 85-17-006	419–18–040 419–18–060	AMD AMD–P	85-07-008 85-03-051
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390-28-090	AMD-P	85-18-034	392-193-005	NEW-P	85-17-005	434-15-020	NEW-P	85-10-063
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390-32-030	AMD-P	85-18-034	392-193-020	NEW-P	85-17-005	43415040	NEW-P	85-10-063
390-32-040 390-37-100	REP–P AMD–P	85-18-034 85-11-067	392-193-020 392-193-025	NEW-E NEW-P	85-17-007 85-17-005	434-15-040	NEW D	85-13-017
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390-37-210	AMD-P	85-11-067	392-193-030	NEW-P	85-17-005	434-15-060	NEW-P	85-10-063
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-15-070	NEW	85-13-017	448-12-320	NEW-P	85-05-041	458-16-150	AMD	85-05-025
434-15-080	NEW-P	85-10-063	448-12-320	NEW	85-08-012	458-16-210	AMD-C	85-02-060
434-15-080	NEW	85-13-017	448–12–330 448–12–330	NEW-P NEW	85-05-041 85-08-012	458-16-210 458-16-220	AMD AMD–C	85–05–025 85–02–060
434–15–090 434–15–090	NEW-P NEW	85-10-063 85-13-017	448-12-340	NEW-P	85-05-041	458-16-220	AMD-C	85-05-025
434-15-100	NEW-P	85-10-063	448-12-340	NEW	85-08-012	458-16-230	AMD-C	85-02-060
434-15-100	NEW	85-13-017	458-08-010	NEW-P	85-16-100	458-16-230	AMD	85-05-025
434-15-110	NEW-P	85-10-063	458-08-010 458-08-020	NEW-E NEW-P	85-16-101 85-16-100	458–16–240 458–16–240	AMD-C AMD	85–02–060 85–05–025
434–15–110 434–15–120	NEW NEW-P	85-13-017 85-10-063	458-08-020	NEW-P	85-16-101	458-16-260	AMD-C	85-02-060
434-15-120	NEW	85-13-017	458-08-030	NEW-P	85-16-100	458-16-260	AMD	85-05-025
434-15-130	NEW-P	85-10-063	458-08-030	NEW-E	85-16-101	458-16-270	AMD-C	85-02-060
434–15–130	NEW	85-13-017	458-08-040	NEW-P NEW-E	85-16-100 85-16-101	458–16–270 458–16–280	AMD AMD-C	8505025 8502060
434-15-140 434-15-140	NEW-P NEW	8510063 8513017	458-08-040 458-08-050	NEW-E NEW-P	85-16-101 85-16-100	458-16-280	AMD-C	85-05-025
434-15-150	NEW-P	85-10-063	458-08-050	NEW-E	85-16-101	458-16-282	AMD-C	85-02-060
434-15-150	NEW	85-13-017	458-08-060	NEW-P	85-16-100	458-16-282	AMD	85-05-025
434–15–990	NEW-P	85-10-063	458-08-060	NEW-E	85-16-101	458–17–100 458–20–155	NEW-P AMD-P	85-18-022 85-16-106
434-15-990 434-15-99001	NEW NEW-P	85-13-017 85-10-063	458-08-070 458-08-070	NEW-P NEW-E	85-16-100 85-16-101	458-20-155	AMD-F AMD-E	85-16-107
434-15-99001	NEW	85-13-017	458-08-080	NEW-P	85-16-100	458-20-179	AMD-P	85-18-069
434-57-030	NEW-E	85-14-059	458-08-080	NEW-E	85-16-101	458-20-179	AMD-E	85-18-070
434-57-030	NEW-P	85-14-115	458-08-090	NEW-P	85-16-100	458-20-17901	NEW-P AMD	85-16-106 85-04-016
434–57–030 440–44	NEW AMD-C	85-18-003 85-13-002	458-08-090 458-08-100	NEW-E NEW-P	85-16-101 85-16-100	458-20-189 458-20-189	AMD~P	85-18-069
440-44-035	AMD-P	85-09-054	458-08-100	NEW-E	85-16-101	458-20-189	AMD-E	85-18-070
440-44-035	AMD	85-12-029	458-08-110	NEW-P	85-16-100	458-20-207	AMD-P	85-16-106
440-44-040	AMD-P	85-09-054	458-08-110	NEW-E	85-16-101	458-20-207	AMD-E	85-16-107
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440-44-050	AMD-E	85-16-064	458-08-140	NEW-P	85-16-100	458-20-24002	NEW-E	85-16-107
440-44-057	AMD-P	85-02-058 85-02-059	458-08-140 458-08-150	NEW-E NEW-P	85-16-101 85-16-100	458–40–18717 458–40–18717	NEW-P NEW-E	85-10-058 85-14-047
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440-44-057	AMD-P	85-09-054	458-08-160	NEW-P	85-16-100	458-40-18718	NEW-P	85-10-058
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440-44-060	AMD-P	85-15-022	458-08-180	NEW-P	85–16–100	460-20A-210	AMD	85-16-068
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440-44-075	AMD	85-12-029	458-08-210	NEW-E NEW-P	85-16-101 85-16-100	460–20A–405 460–24A–050	NEW AMD-P	85-03-042 85-13-022
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440-44-090	NEW-P	85-15-023	458-08-230	NEW-P	85-16-100	460-24A-060	AMD-P	85-13-022
440-44-095	NEW	85-04-023	458-08-230	NEW-E	85-16-101	460-24A-060	AMD	85-16-068
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446-50-080 446-50-080	AMD-E	85–16–003	458-08-250	NEW-P	85-16-100	460-90A-005	NEW-P	85-04-056
448-12-210	NEW-P	85-05-041	458-08-250	NEW-E	85-16-101	460-90A-005	NEW	85-12-021
448-12-210	NEW	85-08-012	458-12-250	REP-P	85-18-022	460-90A-010	REP-P	85-04-056
448-12-220 448-12-220	NEW-P NEW	85-05-041 85-08-012	458-12-255 458-12-260	REP-P REP-P	85-18-022 85-18-022	460-90A-010 460-90A-015	REP NEW-P	85-12-021 85-04-056
448-12-230	NEW-P	85–05–012 85–05–041	458-12-265	REP-P	85-18-022	460-90A-015	NEW	85-12-021
448-12-230	NEW	85-08-012	458-14-040	AMD-P	85-14-003	460-90A-015	AMD-P	85-12-022
448-12-240	NEW-P	85-05-041	458-14-040	AMD	85-17-016	460-90A-017	NEW-P NEW-P	85-04-056
448-12-240 448-12-250	NEW NEW-P	85-08-012 85-05-041	458-14-045 458-14-045	AMD-P AMD-E	85-14-003 85-14-004	460-90A-017 460-90A-018	NEW-P	85-12-022 85-04-056
448-12-250	NEW	85-08-012	458-14-045	AMD-L	85-17-016	460-90A-018	NEW	85-12-021
448-12-260	NEW-P	85-05-041	458-14-092	AMD-P	85-14-003	460-90A-018	AMD-P	85-12-022
448-12-260	NEW	85-08-012	458-14-092	AMD B	85-17-016 85-14-003	460–90A–020 460–90A–020	REP-P REP	85-04-056 85-12-021
448-12-270 448-12-270	NEW-P NEW	85-05-041 85-08-012	458-14-152 458-14-152	AMD–P AMD–E	85-14-003 85-14-004	460-90A-022	NEW-P	85-04-056
448-12-280	NEW-P	85–05–012 85–05–041	458-14-152	AMD	85-17-016	460-90A-022	NEW	85-12-021
448-12-280	NEW	85-08-012	458-16-110	AMD-C	85-02-060	460-90A-025	NEW-P	85-04-056
448-12-290	NEW-P	85-05-041	458-16-110	AMD AMD–C	8505025 8502060	460–90A–025 460–90A–027	NEW NEW-P	85-12-021 85-04-056
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448-12-300	NEW	85-08-012	458-16-130	AMD-C	85-02-060	460-90A-030	AMD-P	85-04-056
448-12-310	NEW-P	85-05-041	458-16-130	AMD	85-05-025	460-90A-030	AMD	85-12-021
448–12–310	NEW	85-08-012	458-16-150	AMD-C	8502060	460-90A-030	AMD-P	85-12-022

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
460–90A–032	NEW-P	85-04-056	468-66-090	AMD	85-17-012	478-08-130	REP-P	85–15–066
460-90A-032	NEW	85-12-021	468-66-100	AMD-P	85-14-099	478-08-140	REP-P	85-15-066
460-90A-032 460-90A-035	AMD-P NEW-P	85-12-022 85-04-056	468-66-100 468-66-100	AMD-E AMD	85–14–100 85–17–012	478-08-230	REP-P REP-P	85-15-066
460-90A-035 460-90A-035	NEW-P	85-12-022	468-66-110	AMD-P	85-17-012 85-14-099	478-08-240 478-08-250	REP-P	85-15-066 85-15-066
460-90A-040	REP-P	85-04-056	468-66-110	AMD-E	85-14-100	478-08-260	REP-P	85-15-066
460-90A-040	REP	85-12-021	468-66-110	AMD	85-17-012	478-08-270	REP-P	85-15-066
460–90A–045	NEW-P	85-04-056	468-66-140	AMD-P	85-14-099	478-08-280	REP-P	85-15-066
460-90A-045 460-90A-045	NEW-P NEW-E	85-12-022 85-15-057	468-66-140 468-66-140	AMD–E AMD	8514100 8517012	478–08–290 478–08–300	REP-P REP-P	85-15-066 85-15-066
460-90A-050	REP-P	85-12-022	468-70-020	AMD-P	85-14-099	478-08-310	REP-P	85-15-066
460-90A-055	NEW-P	85-12-022	468-70-020	AMD-E	85-14-100	478-08-320	REP-P	85-15-066
460-90A-070	AMD-P	85-04-056	468-70-020	AMD	85-17-012	478-08-330	REP-P	85-15-066
460-90A-070 460-90A-090	AMD–P AMD–P	85-12-022 85-12-022	468-70-030 468-70-030	AMD-P AMD-E	85-14-099 85-14-100	478-08-340 478-08-350	REP-P REP-P	85-15-066 85-15-066
460-90A-000	AMD-P	85-12-022	468-70-030	AMD	85-17-012	478-08-360	REP-P	85-15-066
460-90A-110	REP-P	85-04-056	468-70-040	AMD-P	85-14-099	478-08-400	REP-P	85-15-066
460-90A-110	REP	85-12-021	468-70-040	AMD-E	85-14-100	478-08-410	REP-P	85-15-066
460–90A–115 460–90A–115	NEW-P NEW	85-04-056 85-12-021	468-70-040 468-70-050	AMD AMD	85-17-012 85-03-031	478-08-420 478-08-510	REP-P REP-P	85-15-066 85-15-066
460–90A–115	AMD-P	85-12-022	468-70-050	AMD-P	85–14–099	478-08-520	REP-P	85-15-066
460-90A-115	AMD-E	85-15-057	468-70-050	AMD-E	85-14-100	478-08-530	REP-P	85-15-066
460-90A-120	REP-P	85-04-056	468-70-050	AMD	85-17-012	478-08-540	REP-P	85-15-066
460–90A–120 460–90A–122	REP NEW-P	85-12-021 85-04-056	468-70-060 468-70-060	AMD AMD–P	85-03-031 85-14-099	478–08–550 478–08–560	REP-P REP-P	85-15-066 85-15-066
460–90A–122 460–90A–122	NEW	85-12-021	468-70-060	AMD-E	85-14-100	478-08-570	REP-P	85–15–066 85–15–066
460-90A-125	NEW-P	85-04-056	468-70-060	AMD	85-17-012	478-168-060	AMD-P	85-10-033
460-90A-125	NEW	85-12-021	468-70-070	AMD-P	85-14-099	478-168-060	AMD	85-14-035
460–90A–140 460–90A–140	AMD–P AMD	85-04-056 85-12-021	468-70-070 468-70-070	AMD–E AMD	85-14-100 85-17-012	478-168-070 478-168-070	AMD-P AMD	85-10-033 85-14-035
460-90A-140 460-90A-150	REP-P	85-04-056	468-70-080	AMD	85–03–031	478-168-080	AMD-P	85-14-033 85-10-033
460-90A-150	REP	85-12-021	468-70-080	AMD-P	85-14-099	478-168-080	AMD	85-14-035
468-06	REVIEW	85-13-005	46870080	AMD-E	85-14-100	478-168-090	AMD-P	85-10-033
468-06-030	AMD–P AMD–P	85-18-001 85-18-001	468–70–080 468–70–990	AMD REP-P	85-17-012 85-14-099	478–168–090 478–168–092	AMD NEW-P	85-14-035
468–06–040 468–06–070	AMD-P	85-18-001	468-70-990	REP-E	85-14-100	478-168-092	NEW-P	85-10-033 85-14-035
468-06-110	AMD-P	85-18-001	468-70-990	REP	85-17-012	478-168-094	NEW-P	85-10-033
468–10	REVIEW	85-13-005	468-70-99001	REP-P	85-14-099	478-168-094	NEW	85-14-035
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